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The Best is Always the Cheapest-Beware of Catchpenny Imitations.

THE LIFE OF GUITEAU

AND

THE OFFICIAL HISTORY

OF THE

MOST EXCITING CASE ON RECORD:

BEING

THE TRIAL OF GUITEAU

For Assassinating Pres. Garfield.

CONTAINING A FULL ACCOUNT OF THE SHOOTING OF PRESI-DENT GARFIELD, AND ALL THE EVENTS FROM THAT DATE UNTIL THE DASTARDLY WRETCH WAS BROUGHT TO TRIAL;

AND INCLUDING

A FULL ACCOUNT OF ALL THE TESTIMONY OF THE EXPERTS AND OTHER CELEBRATED WITNESSES; ALL THE SPEECHES AND REMARKS MADE BY THE CUNNING ASSASSIN DURING HIS TRIAL FOR LIFE; HIS GREAT EFFORTS TO ESCAPE THE GALLOWS BY FEIGNING INSANITY, ETC.; WITH ALL THE SCENES AND INCIDENTS ATTENDING THIS VERY INTERESTING AND REMARKABLE TRIAL.

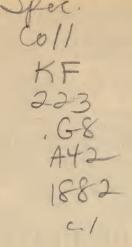
By H. H. ALEXANDER,

Official Government Stenographer and Court Reporter during the Trial.

EMBELLISHED WITH NUMEROUS FINE ILLUSTRATIONS.

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PREFACE.

WITHOUT a doubt, the most important and most celebrated case ever tried in any court of justice in the United States is that of Charles J. Guiteau, the murderer of President James A. Garfield, at Washington, a full narrative of which will be found in this book. The great importance of, and the intense interest in, this celebrated case, not only in our own country, but in the whole civilized world, is not caused by the difficulty of discovering the assassin—as Guiteau committed his terrible crime in broad daylight and in the presence of many persons, and has never denied it—but by the exalted station of the victim and by the question, to be decided, whether the murderer was sane and could be held accountable for his deed.

His conduct during the trial; his cunning remarks; his method and deliberation in the selec-

tion of the time and nature of his interruptions of the witnesses; his carefully keeping quiet while a witness was giving favorable evidence; his knowledge of legal forms and of the rules of evidence,—seemed to indicate that Guiteau was fully the master of his faculties, and was only feigning insanity. He perfectly knew what he did, said and wrote during his trial, and weighed the consequences, always taking care to strictly obey the orders and rulings of the Court. In the mean time, he deported himself like a quarrelsome and cranky fellow who was governed by his impulses and his vanity.

Many have blamed Judge Cox and counsel because they permitted the wretch to behave in such an outrageous manner, and to bring shame and ignominy over our administration of justice. It is true that by this apparent leniency and indulgence Guiteau was induced to demonstrate to the jury and to the world, not that he was insane, as the defence may have expected, but that he was an infamous scoundrel who, like Erostratus, the destroyer of the celebrated temple of Diana at Ephesus by fire, committed the deed to immortalize his name.

But could his sanity not be proven by other evidence? Is it not a fact that Guiteau observed perfect reticence previous to the commission of his

great crime—of itself a sufficient proof that his plea to have been "inspired" or "pressed by the Deity" was entirely untenable? Did this reticence accord with his previous history? When under the charm of his "inspirations" he would undertake the rôle of lawyer, author, lecturer and preacher, but he never was slow to make known his projects and to try to interest others in his plans. Why was he so reticent when "the Deity pressed him" to assassinate President James A. Garfield? As he alleged during the trial, he resisted the divine inspiration as long as he could; why did he not communicate the secret to others, in the hope to escape from it? He knew that he meditated a murder, and in the knowledge of what constitutes crime lies the secret of his reticence prior to the act. Criminals never divulge their purposes; they love darkness rather than light. Crime is a thing of darkness, deriving its inspiration from the powers of darkness, not from the God of light.

Insanity is a question on which the laws of the different States vary materially. All the States agree that a man shall not be hanged for murder if he were disabled by mental disease from knowing what he was about—if he could not know the nature and quality of his act and what was wrong.

Physicians furthermore declare that there exists persons who have not lost the power to understand the consequences of what they do or to know that it is wrong, but whose minds have been rendered powerless by disease to control conduct in view of knowledge. Could this defence be a good reason for sending Guiteau to the asylum for the insane instead of the gallows? His conduct during the trial hardly would justify such a defence, and for that reason it may have been well that Guiteau was shown so much leniency during the trial by the Court and counsel.

Our volume contains a full narrative of the crime, a history of the murderer and his celebrated trial, and is illustrated by portraits of the murderer and his victim, as well as by sketches of scenes and incidents of the trial by eminent artists, and will be read with great interest by the present as well as by future generations.



BRINGING THE ASSASSIN INTO COURT.



GUITEAU, THE ASSASSIN.







SHOWING GUITEAU'S PISTOL TO THE JURY.

INTRODUCTION.

The Assassination of President Garfield.—Arrest of the Assassin, Charles J. Guiteau.—Mr. Garfield's Removal from Washington to Long Branch.—His Death.—Attempts to Kill Guiteau.—The Assassin in Jail.—Preparing for his Trial.

On the morning of the 2d day of July the President of the United States, James A. Garfield, with a party of friends, including members of his Cabinet and their ladies, started from the White House, at Washington, D. C., on a trip to the New England States. It was his intention to visit Williams College, in Massachusetts-the institution to which he owed, to a great extent, his education—and to be present at its commencement exercises. The party arrived at the dépôt of the Baltimore and Potomac Railroad Company in Washington a short time in advance of the President, who shortly afterward drove up in company with Mr. Blaine, the Secretary of State, who simply accompanied him to bid him "Good-bye." While passing through the waiting-room of the dépôt, Mr. Garfield was terribly wounded by pistol-shots at the hand of Charles Jules Guiteau, a disappointed office-hunter.

When the President and Mr. Blaine arrived at the dépôt, they found that the train would start in ten minutes, and so they remained in the carriage in earnest conversation for about five minutes. Notified by an attendant that only a

few minutes were left, they entered the ladies' room of the dépôt, and arm in arm walked into the main room, through which they had to pass to reach the train.

There were only about fifty persons at the station to see the departure of the President and his party by the limited express, among whom were several newspaper reporters and personal friends, who had come to bid the President "Goodbye." Among the party were Secretary Windom, Secretary Hunt, Postmaster-General James, accompanied by their wives and members of their families, also Colonel Rockwell, his son Don and the President's son Harry.

The correspondent of the Philadelphia *Times* thus describes the tragedy:

The President and Mr. Blaine had traversed half of the main hall of the station, when Guiteau walked out deliberately with a cocked revolver. He gave no warning and said not a word, but, presenting his pistol, fired at the President's heart. Whether on account of defective aim or because the President was in motion is not known, but the shot, instead of going into the President's heart, went into the upper part of his arm, making a harmless wound. The assassin, with the same devilish deliberation, next tried to shoot the President in the stomach; but the first shot caused the President to turn slightly, and the second fire, only an instant after the first, struck him in the side or back, near the back-bone. At this the President feli heavily. Mr. Blaine, almost paralyzed by the sudden event, hesitated a moment between succoring his friend and securing the assassin. He called loudly for help. and the assassin was secured.

The horrible occurrence caused the crowd to fall back at

first in terror, but the waiting-woman of the station at once went to the stricken man's assistance. Few realized what had occurred. Two shots had been heard, but no unusual noise had preceded or followed the event. But the sad news spread rapidly.

The President lay helpless on the floor, the blood flowing from both his wounds most copiously. Some minutes clapsed before those present regained their senses; nobody seemed to know what to do. Mr. Windom, Mr. James and Mr. Hunt came in and viewed the prostrate figure. Mr. Windom shed tears and could not control his emotion. Mr. James was more practical; he and Mr. Blaine soon secured a mattress, and not long afterward the wounded President was taken up stairs and placed upon a bed.

The scene at the bedside was most affecting. The President lay upon his back, his wounds bleeding profusely. His coat, vest and trousers had been cut away, and the half dozen surgeons who by this time had arrived pronounced the injury of the most serious character. The sudden shock had affected the President's stomach, and he vomited quite freely. He did not, however, lose consciousness. About his bed were gathered his Cabinet and some of his best friends. He said nothing, but he recognized every one with his eye. At one time he put his arm around Blaine and said, "You know how I love you, Blaine."

The President's grief-stricken son Harry stood by the side of the bed holding his father's band and crying as though his heart would break, and calling aloud, "My poor father! my poor father!" There were few present who did not weep.

Before long the surgeons decided that the President could be removed to his home. An army ambulance was at hand, and four stalwart figures bore the bleeding President from the station and placed him in the covered vehicle. Two or three trusted friends attended him in the ambulance, and five thousand sympathizing friends—men, women, children, of all ages, black and white—followed the ambulance on the run until it reached the White House. The wagon was driven to the south entrance, and as the President was lifted out he recognized Mr. Crook, his financial clerk, and Mr. Pruden, his private secretary, in an upper window, and, smiling, saluted them with his uninjured arm. He was taken to his wife's chamber, overlooking the Potomac, and disrobed. He complained of fatigue, and was allowed to rest. Two attempts were made to find the ball—one at the station and one at the White House—but without result.

The shooting occurred when the President and Secretary Blaine were walking arm in arm through the ladies' room. Secretary Blaine was not going with the party, but came down to bid the President "Good-bye." He said, "The President and I were walking arm in arm toward the train. I heard two shots, and saw a man run; I started after him, but saw that he was grabbed. As he got out of the room I came to the President, and found him lying on the floor. The floor was covered with the President's blood. A number of people who were around shortly afterward had some of that blood on their persons. I think I know the man; I think his name is Guiteau. When arrested he said, 'I did it, and want to be arrested. I am a Stalwart, and Arthur is President now. I have a letter here that I want you to give to General Sherman; it will explain everything. Take me to the police-station."

When the wounded President reached the Executive Man sion, he was taken to his chamber and made as comfortable as possible. Immense crowds surrounded the grounds, but were not allowed inside. The following physicians were called in: Doctors Bliss, Ford, Huntingdon, Woodward (U. S. A.), Townsend, Lincoln, Reyburn, Norris, Purvis, Patterson, Surgeon-General Barnes and Surgeon-General Wales. The President was conscious, and did not complain of suffering.

At first the attempted assassination was widely believed to be the result of a conspiracy, but at length it became apparent to the Government and to the people that it was but the cold-blooded act of a confirmed villain. The man who fired the dastardly shot was Charles Jules Guiteau of Illinois. He is a short, thick-set, solid-looking man, about forty, bald-headed, with a rim of sandy hair and a sandy moustache. He speaks French and German fluently, which tends to confuse his real nationality. He dresses decently, and has the general appearance of a respectable beat who lives by his wits. Guiteau is a familiar figure about Washington, and is known about the White House, where he has been frequently pointed out to reporters as one of the regular haunters of the ante-chambers. He was generally regarded by attachés as a harmless nuisance. He was first observed about the 1st of March, and began to haunt the White House immediately after the inauguration. He was an applicant for the consulship at Marseilles, France, and pretended to be recommended by John A. Logan and other prominent politicians of Illinois.

His favorite method was to call and present his card, whereon he would often write little notes like the following, which would appear to give some insight to his distemper:

[&]quot;I regret the trouble you are having with Senator Conk-

ling. You are right, and should maintain your position. You have my support and that of all patriotic citizens. I would like an audience of a few moments."

Of course these notes were never seen by the President. Very often he would sit about the ante-room for hours and say nothing, and at others he was insolent toward the White House officials. The latter interfered with his carrying off White House stationery, which he resented. The last collision of this nature occurred about ten days ago, since when he has changed his haunt from the President's mansion to the War Department library. Of late he has had no particular abiding-place, sleeping in the public parks. He has been seen to go out with a small parcel under his arm and change his linen behind a tree in the public grounds.

He had arranged with the colored driver of hack 195, named Aquilla Barton, to drive him away from the dépôt the instant the bloody deed was accomplished. The hackman is a very smart colored man, and says he was approached by Guiteau, who was a perfect stranger to him, and asked if he had a team that would go very fast; he should need one pretty soon. The hackman said he had, and asked him where he wanted to go. The stranger replied that he wanted to go to the cemetery, and would give him two dollars to drive him there as fast as the horses could go. He then gave directions for the hack to stand at B street door and take him up at a given signal and drive away without stopping to ask questions.

When Guiteau had fired his second shot and made for the B street entrance of the dépôt, where hack 195 waited, he found his plan of escape wouldn't work. Dépôt Policeman Parks sprang between him and the exit, and the assassin then turned the other way. Here he was confronted by Officer Kearney, and both officers seized him at once. As they dragged him through the crowd he flourished a sealed letter in one hand and shouted in a highly dramatic manner: "Arthur is President of the United States now. I am a Stalwart. This letter will tell you everything. I want you to take it to General Sherman." The letter in question was taken from him at police headquarters, and is the one addressed to the White House.

He was deprived of his pistol on arrest. It is an ugly-looking weapon, of what is known as the five-barrelled British bull-dog pattern, of 44-calibre, with a white bone handle, and had three loads undischarged. He did not throw it away, but flourished it in his hand when he ran, everybody about the waiting-room dodging from in front of it without regard to appearances.

The arrest was made so promptly that the prisoner was on the way to police headquarters before the crowd about the dépôt fairly caught an idea of the great crime that had been perpetrated. Officers escorted Guiteau to police headquarters, three squares down Pennsylvania Avenue. Before they had covered half the distance, however, the news had overtaken them. A great crowd soon gathered in and about the vicinity of headquarters, and the shouts of "Lynch him!" "Tear down the building!" "Hang him!" made it soon apparent to the police that the place could not be made strong enough to hold the assassin against any ordinarily excited mob, thousands flocking in every moment from every direction, especially from the scene of the assassination. A hack was therefore immediately procured and, surrounded by a large body of police, the prisoner thrown therein, and rapidly driven through the howling mob before

it had made up its mind to a plan of operations, and away to the jail on the bank of the Anacostia.

Lieutenant Eckloff, who rode to jail with Guiteau, states that on the way down he conversed freely about the matter, saying that his only purpose was to unite the Republican party. On arriving at the jail the jailers, finding what the matter was, said they had seen him before, and while they were discussing where they had seen him the prisoner said,

"I can tell you when it was: I was down here last Saturday and got your permission to look over the jail, as I wanted to see what kind of place I had to come to."

Then the keepers remembered him. He was then locked up. The prisoner stated to Detective McElfresh he contemplated this act six weeks ago and had made preparations for it. Detective McElfresh asked him if he was an American. He replied,

"Yes; born and raised in this country, and a citizen of Chicago."

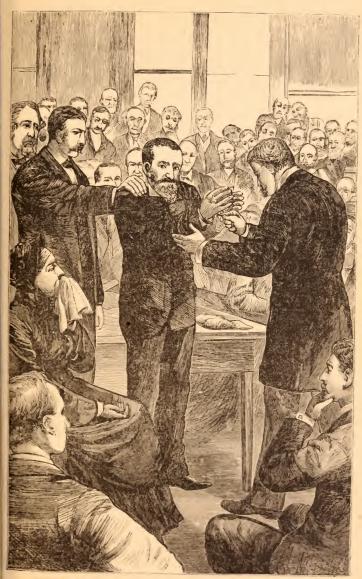
Mr. McElfresh asked what political party he belonged to, and the reply was,

"I am a Stalwart of the Stalwarts. I have shot Garfield to make Arthur President. What are you?" inquired the prisoner.

He was informed that his escort was a detective.

"All right," said Guiteau. "Give me a room in the third story, and I will arrange with General Sherman to make you chief of police."

There was nothing in his manner to lead to the belief that he was insame except every now and then such expressions. There is much doubt expressed on this point, a good many being of the opinion that his insanity business is but a new copy of the old dodge to escape the penalty of murder.



UNLOCKING THE ASSASSIN'S HANDCUFFS.

The following letter was taken from the prisoner's pocket at police headquarters:

"JULY 2, 1881.

"TO THE WHITE HOUSE: The President's tragic death was a sad necessity, but it will unite the Republican party and save the Republic. Life is a flimsy dream, and it matters little when one goes. A human life is of small value. During the war thousands of brave boys went down without a tear. I presume the President was a Christian, and that he will be happier in Paradise than here. It will be no worse for Mrs. Garfield—dear soul!—to part with her husband this way than by natural death. He is liable to go at any time, anyway. I had no ill will toward the President. His death was a political necessity. I am a lawyer, a theologian and a politician. I am a Stalwart of the Stalwarts. I was with General Grant and the rest of our men in New York during the canvass. I have some papers for the press which I shall leave with Byron Andrews and his cojournalists, at 1420 New York avenue, where all the reporters can see them. I am going to the jail.

"CHARLES GUITEAU."

The following letter was found on the street shortly after Guiteau's arrest. The envelope was unsealed and was addressed, "Please deliver at once to General Sherman (or his first assistant in charge of the War Department):"

"To General Sherman: I have just shot the President. I shot him several times, as I wished him to go as easily as possible. His death was a political necessity. I am a lawyer, theologian and politician. I am a Stalwart of the Stalwarts. I was with General Grant and the rest of our men in New York during the canvass. I am going

to the jail. Please order out your troops and take possession of the jail at once.

"Very respectfully,
"CHARLES GUITEAU."

On receiving the above General Sherman gave it the following indorsement:

"Headquarters of the Army, "Washington, D. C., July, 2, 1881—11.35 a. m.

"This letter . . . was handed me this minute by Major William J. Twining, United States Engineers, Commissioner of the District of Columbia, and Major William G. Brock, Chief of Police. I don't know the writer, never heard of or saw him, to my knowledge, and hereby return it to the keeping of the above-named parties as testimony in the case.

"W. T. SHERMAN, General."

The father and brother of the assassin give the following accounts of him:

The brother, John W. Guiteau, of Boston says: "Charles Jules was born in Freeport, Ill., in 1841 or 1842. He was one of the children of L. W. Guiteau, late cashier of Second National Bank of Freeport, Ill. Mr. Guiteau, Sr., died recently, aged seventy years, and was one of the oldest and most esteemed citizens of the place. As a youth Charles Jules is reported to have been a good, tractable boy, with nothing to mark him as either better or worse than the average of his associates. Several years before he became of age, and while preparing for college at the University of Michigan, he conceived the idea of joining the Oneida Community, and did so. He dwelt there for some years, and subsequently left because he could rot live up to

the restrictions of the order. Full of anger, he threatened to issue a publication exposing the peculiarities of the Community, but was prevented from doing that by an article written by John H. Noyes, the recognized head of the Community. Immediately afterward he entered upon the study of law in the office of George Scoville, a brother-in-law, in Chicago. He was admitted to the bar in that city about eighteen years ago, but is said to never have had other than small office-practice in way of bill-collecting and such-like small work."

The assassin had been travelling throughout New England more or less for a year or two past as a lecturer, and, assuming the title of Reverend, he advertised himself as a lawyer and theologian. He once claimed to be an Honorable, and his brother telling him that he had no claim to such title, having never borne political honors, he replied that any lawyer was an Honorable, and he knew a lawyer in Chicago who had been in the State prison who advertised himself as an Honorable. This and the matter of numerous unpaid board-bills in Boston led to a wordy controversy, which resulted in Charles being expelled from his brother's house, and subsequently violently ejected from his office, as he would neither take advice nor mend his evil ways and fraudulent practices. Charles has been in jail in New York for debt. He has been shown up by Chicago and New York papers for irregularities, and has sued them in return for libel, with no favorable result to himself. At one time he formed a scheme to buy the Chicago Inter-Ocean, and asked the president of the Second National Bank of Freeport, Ill., to loan him twenty-five thousand dollars with which to purchase it, promising the president of the bank as an inducement that he would secure his election as governor of Illinois. The project was not entertained. In numerous places Charles Jules has lectured to very small audiences, advertising himself as Charles J. Guiteau, the celebrated Chicago lawyer of eminence and ability, etc., and skipping out without paying his hotel and other bills. The brother above quoted says that he never knew that Charles was a drinker or given to any ruinous species of dissipation; that he has seen little of him for twenty years, but has often heard from, or rather of, him; that he has long considered him crazy, and expected sooner or later, if he lived, that he would bring up in a lunatic asylum or meet a worse fate.

The following is an extract from a letter dated March 30, 1873, from the father of the assassin to John W. Guiteau, his brother, in this city, in which he refers to his son Charles as follows:

"I have been ready to believe him capable of almost any folly, stupidity or rascality. The one possible excuse that I can render for him is that he is insane. Indeed, if I were called as witness upon the stand, I am inclined to think I should testify that he is absolutely insane and is hardly responsible for his acts. My own impression is that unless something shall stop him in his folly and mad career he will become hopelessly insane and a fit subject for the lunatic asylum. Before I finally gave him up I had exhausted all my powers of reason and persuasion, as well as other resources, in endeavoring to control his actions and thoughts, but without avail. I found he was deceitful and could not be depended upon in anything, stubborn, wilful, conceited and at all times outrageously wicked, apparently possessed of the devil. I saw him once or twice when it seemed to me he was willing to do almost anything wicked

he should happen to take fancy to. You will remember, perhaps, at the last conversation we had about him, I told you to keep clear of him and not have anything to do with him. Should anybody ask about him now, I should be compelled to say to them that I thought he was insane, or at least a monomaniac, and should there leave it and say no more about him. His insanity is of such a character that he is as likely to become a sly, cunning desperado as anything. Could I see him, I might possibly make another and vigorous effort to change the whole channel of his thoughts and feelings. If I could not do that, I should have no hope whatever of being able to do him any good. I made up my mind long ago never to give him another dollar in money until I should be convinced he was thoroughly humbled and radically changed. I am sometimes afraid he would steal, rob or do anything before his egotism and self-conceit shall be knocked out of him, and perhaps even all that will not do it. So I, you see, regard his case as hopeless, or nearly so, and of course know no other way but to dismiss him entirely from my mind and leave him entirely in the hands of his Maker, with a very faint hope that he can be changed either in this world or the next."

The following statement concerning the shooting was furnished to the press by District Attorney Corkhill on the 14th of July in order to correct certain erroneous assertions which had been made relative to Guiteau and his crime:

"The interest felt by the public in the details of the assassination, and the many stories published, justify me

in stating that the following is a correct and accurate statement concerning the points to which reference is made:

"The assassin, Charles J. Guiteau, came to Washington City on Sunday, March 6, 1881, and stopped at the Ebbitt House, remaining only one day. He then secured a room in another part of the city and has boarded and roomed at various places, the full details of which I have. On Wednesday, May 18, 1881, the assassin determined to murder the President. He had neither money nor pistol at the time. About the last of May he went into O'Meara's store, corner of Fifteenth and F streets, in this city, and examined some pistols, asking for the largest calibre. He was shown two, similar in calibre and only different in the price. On Wednesday, June 8, he purchased the pistol which he used, for which he paid ten dollars, he having in the mean time borrowed fifteen dollars of a gentleman in this city on the plea that he wanted to pay his board-bill. On the same evening, about seven o'clock, he took the pistol and went to the foot of Seventeenth street and practised firing at a board, firing ten shots. He then returned to his boarding-place and wiped the pistol dry and wrapped it up in his coat, and waited his opportunity.

"On Sunday morning, June 12, he was sitting in Lafayette Park, and saw the President leave for the Christian church, on Vermont avenue, and he at once returned to his room, obtained his pistol, put it in his hip-pocket and followed the President to church. He entered the church, but found he could not kill him there without danger of killing some one else. He noticed that the President sat near a window. After church he made an examination of the window, and found he could reach it without any trouble, and that from this point he could shoot the Presi-

dent through the head without killing any one else. The following Wednesday he went to the church, examined the location and the window, and became satisfied he could accomplish his purpose; and he determined, therefore, to make the attempt at the church the following Sunday. He learned from the papers that the President would leave the city on Saturday, the 18th of June, with Mrs. Garfield, for Long Branch. He therefore determined to meet him at the dépôt. He left his boarding-place about five o'clock Saturday morning, June 18, and went down to the river, at the foot of Seventeenth street, and fired five shots to practise his aim and be certain his pistol was in good order.

"He then went to the dépôt, and was in the ladies' waiting-room of the dépôt, with his pistol ready, when the Presidential party entered. He says Mrs. Garfield looked so weak and frail that he had not the heart to shoot the President in her presence, and, as he knew he would have another opportunity, he left the dépôt. He had previously engaged a carriage to take him to the jail. On Wednesday evening the President and his son, and, I think, United States Marshal Henry, went out for a ride. The assassin took his pistol and followed them, and watched them for some time in hopes the carriage would stop, but no opportunity was given. On Friday evening, July 1, he was sitting on the seat in the park opposite the White House when he saw the President come out alone; he followed him down the avenue to Fifteenth street, and then kept on the opposite side of the street up Fifteenth until the President entered the residence of Secretary Blaine. He waited at the corner of Mr. Morton's late residence, corner Fifteenth and H streets, for some time, and then, as he was afraid he would attract attention, he went into the alley in

the rear of Mr. Morton's residence, examined his pistol and waited. The President and Secretary Blaine came out together, and he followed them on foot to the gate of the White House, but could get no opportunity to use his weapon.

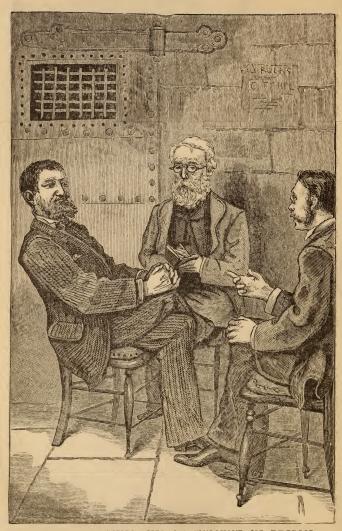
"On the morning of Saturday, July 2, he breakfasted at the Riggs House about seven o'clock. He then walked up into the park, and sat there for an hour. He then took a one-horse avenue car and rode to Sixth street, got out and went into the dépôt and loitered there, had his shoes blackened, engaged a hackman for two dollars to take him to the jail, went into the water-closet and took his pistol out of his hip-pocket and unwrapped the paper from around it, which he had put there for the purpose of preventing the perspiration from the body dampening the powder, examined his pistol carefully, tried the trigger, and then returned and took a seat in the ladies' waiting-room, and as soon as the President entered advanced behind him and fired two shots. These facts, I think, can be relied upon as accurate, and I give them to the public to contradict certain false rumors in connection with this most atrocious of atrocious crimes."

All through his illness President Garfield displayed the highest personal courage and firmness, submitting himself, with childlike faith, to the directions of his physicians, but at the same time bearing up against every discouraging symptom with a courage and determination that both astonished and encouraged his medical attendants. One of the chief hindrances to his recovery was found to be the intense heat of the summer, but he bore all the discomforts arising from it with patience and cheerfulness.

Despite the best of care by his wife and his attendants,



THE SECOND ATTEMPT TO KILL GUITEAU-SHOOTING AT HIM IN THE PRISON VAN



GUITEAU MAKING HIS STATEMENT IN PRISON.

as well as by the prominent physicians who were called to his bedside, the patient grew worse. Several painful operations had to be performed to relieve him, but, in spite of all, vomiting and other alarming symptoms began to manifest themselves. The pulse did not diminish, the high temperature was maintained, and the strength of the patient gradually wasted away. In addition to this, the weather was very warm and the swampy flats between the White House and the Potomac sent up their noxious vapors, which threatened the patient with malarial fever. At last the physicians agreed upon the advisability of removing the sufferer to the more invigorating atmosphere of the seashore, and on the 6th day of September, 1881, soon after sunrise, the removal of the President to Long Branch in a special train furnished by the Pennsylvania Railroad took place. At one P. M. the patient was in his room in the Francklyn cottage at Elberon, where at thirty-five minutes after ten o'clock on the evening of the 19th day of September the brave struggle was brought to a sudden end, and the soul of James A. Garfield passed away.

Guiteau, his murderer, was kept in close confinement in jail by order of District Attorney Corkhill. He was to receive neither visitors nor communications, and the guards were forbidden to talk with him. He was in constant fear of violence, and seemed to be convinced that he could not appear in public except at the risk of his life. He was very cool—nay, impudent—in his demands for comfort and liberty within the prison. He alleged that he had done nothing which would make a rigorous enforcement of the rules necessary. Among other things, he demanded the permission to exercise about the jail at his own convenience, to have three daily papers sent to him to receive all visitors

freely, to procure his meals from outside, and to have his letters mailed and all addressed to him delivered. He insisted that he shot the President for the sake of the safety and deliverance of the Republican party. Often he inquired about the President, and when told that James A. Garfield had breathed his last he seemed to be satisfied, even pleased.

The fact that Guiteau had placed in the hands of the District Attorney a petition requesting to be released on bail about the 15th day of August was not considered of much importance in legal circles. When applied to for a copy of the document, District Attorney Corkhill said,

"It is not yet the proper time to make it public; besides, there is nothing new in it. It will be filed with the Court eventually; then, if any one desires to publish it, there will be no objection."

All requests at the jail to see the prisoner were refused, and the guard continued to be maintained; which would appear to indicate that the authorities apprehended that there was still danger of an attempt being made to capture the prisoner. Intimations had been made that there were organizations in Washington, Baltimore and Philadelphia whose members were ready to take the law into their own hands if they could get hold of Guiteau.

On the morning of the 17th day of August, at 4.30 o'clock, while Mr. W. C. McGill, one of the guards at the jail, was passing through the corridor, something in the appearance of Guiteau's cell attracted his attention. Entering the cell, he found the assassin in possession of a knife; how he obtained it is a mystery. When he demanded the knife, Guiteau refused to surrender it. Mr. McGill drew his pistol, and then an exciting tussel ensued,

Guiteau making every exertion to get the pistol. He succeeded after a struggle, but Mr. McGill, after the most strenuous exertions, regained possession of it. In the scuffle that followed the weapon was discharged, and the report brought other guards to the assistance of McGill; and Guiteau was finally disarmed. He had succeeded, however, in cutting Mr. McGill's clothing pretty badly, and came very near inflicting a dangerous wound.

Guiteau pretended to be crazy, and complained that his pistol had been taken from him. It was also thought that he was attempting to escape, but Warden Crocker stated that in his belief no attempt at escape had been made. His theory was that Guiteau, who had been in an extremely nervous and irritable condition for some time, became so much excited and enraged at the sudden entrance of the guard that he was led into this exhibition of violence.

Guard McGill stated that about 4.30 o'clock he went to Guiteau's cell, and noticed that he was apparently paring his nails. Mr. McGill, thinking that he might have made some preparations to hang himself, went in and asked him what he had been doing. Guiteau replied, "Nothing, nothing." Noticing the knife, he asked what he was doing with it, and he replied, "So help me God, I have none." He then said, "Drop it!" in a commanding tone, when Guiteau jumped up and made a cut, but, fortunately, Mc-Gill threw his head back, and the knife cut the lapel of his coat. Guiteau was as nimble as a cat. McGill pulled his revolver out, but did not cock it, and Guiteau then tussled for its possession, exclaiming, "Don't shoot me!" McGill cocked the pistol, and he (Guiteau) said, "Give me my pistol," and finally got hold of it, but not till it went off. The guards Dutton and Jones by this time appeared,

and Guiteau was secured. They then searched for the knife, and, seeing something under his foot, picked it up. It is what is technically known in jail parlance as "a cheeser," made of the steel shank of a shoe, five or six inches long, ground down to a good edge, with paper and twine wrapped around one end as a handle. Some days afterward Guiteau claimed that this scuffle was brought on by an attempt of McGill to assassinate him.

The most thorough arrangements had been made by the authorities to defeat all attempts to capture and lynch Guiteau, no matter what might be the numerical strength of those who would engage in them. The defence of the jail where Guiteau was confined was assigned to the military, and a sufficient force was there to defeat any unlawful movement. Two companies of United States troops were stationed at the jail, one of which was inside, while the other was performing duty on the outside, with pickets thrown out some distance from the buildings, so as to give timely notice of the approach of any considerable number of persons. All the approaches to the jail were under the strictest surveillance, and the regular jail-guard had been armed with sixteen-shooting rifles. The garrison of Washington was further strengthened by the arrival of four batteries of artillery from Fortress Monroe.

An attempt was made on the evening of the 11th day of September to kill Guiteau. It seemed that for some days there had been a talk among the soldiers detailed to guard the wretch as to who should take a shot at him whenever he presented himself at the window of his cell. The prisoner's cell looked out through another window on the outside corridor, and was plainly perceptible to the guards who watched the eastern side of the jail.

The "duty of firing a shot" at Guiteau, it appears, fell to the lot of Sergeant John A. Mason, of Company B, Second Artillery, and he prepared for it when he was ordered, with other solders, to leave the arsenal to go to the jail and perform guard-duty. Three wagon-loads of soldiers left the arsenal; Sergeant Mason was in the last wagon. He was noticed by some of his companions to fumble with the lock of his rifle and act strangely, but nothing was said, as the sergeant had been drinking during the day, and none in the wagon were aware of the "duty" that he had been called upon to fulfil. When the wagons drew up to the rear of the jail, Mason was the first man to alight. He pushed himself through a group of several persons standing around, and, reaching a small hillock about three feet from where the horses stood, he brought his rifle to a shoulder, took steady aim at the well-known window of Guiteau, opposite, shouted, "There he is!" and fired. The report of the rifle attracted general attention, and before the smoke had cleared away twenty soldiers were crowded around Mason. Said Private Davis, "In Heaven's name, why did you shoot?" "I wanted to kill that wretch in there," was the answer, "I have been on to this thing for ten days, and I hope I have done the work up in good style." Mason then walked toward his commanding officer, Captain McGillery, saving, "Captain, I have endeavored to kill that dirty loafer in there. Here is my gun and bayonet, sir; run in."

Captain McGillery was astounded. He heard the shot and witnessed the excitement, but had not dreamed of the intentions of Mason; but when the latter came forward and made his acknowledgment he recognized that something serious had occurred, and turned Mason over to the custody of two soldiers.

A scene of the greatest excitement prevailed. Warden Crocker and Deputy Rusk, with several guards on duty, who were conversing in the office of the jail, sprang to their feet when the report of the rifle rang through the corridor, and, naturally believing what it meant, ran toward Guiteau's cell. They found the latter on his knees, with an expression of terror on his face.

"Great God!" he exclaimed, when Crocker looked into his cell. "What do these men mean, anyway? Do they want to murder me?"

"Why, no. What are you talking about?" answered Crocker, who had not learned what the trouble was.

"Well, just this," answered Guiteau. "I have been shot at again. I was standing at my window just now, when a shot was fired by one of those soldiers outside, and the bullet passed my ear, went through my coat hanging up there, cutting in pieces the photograph of my old mother."

"Did it strike you at all?" asked Crocker.
"No, but it frightened me nearly to death."

When Sergeant Mason was being driven through the streets on the way to the arsenal, a crowd gathered at the corner of Third street and Pennsylvania avenue and gave him a hurrah. They had evidently heard what he had done, but he lay back between two stout soldiers and would say nothing. When the news became public it created something of a sensation, and very many people regretted that Mason's shot had missed its mark.

Guiteau was removed to another cell where he could not be shot from the outside.

The question whether Guiteau could be tried at Washington if President Garfield should die at Elberon after

having been removed from Washington was exciting some discussion there for some time. The correspondent of the Philadelphia *Ledger*, on the 26th day of September, comments on the case of Guiteau as follows:

The case of Guiteau will be given to the grand jury early next week, and an indictment will promptly follow. The question as to the legality of a trial in this District, as death resulted in another jurisdiction, is about set at rest by a long paper, made public to-day, in which Mr. Robinson, the assistant solicitor of the Treasury Department, eites all the laws and decisions bearing on the case. The following extracts set forth the most important points in regard to the point at issue: By the thirtieth section of the act of March 2, 1867, Congress has provided that "when any offence shall be done in one judicial district and completed in another, every such offence shall be deemed to have been committed in either, and may be dealt with, tried, determined, and punished in either, in the same manner as if it had been actually and wholly committed therein." There is no doubt but that the districts of Columbia and New Jersey constitute judicial districts as ascertained by daw, as provided in the Constitution of the United States. The present case was, therefore, clearly provided for under this act; but the law was not codified in section 731 Revised Statutes as it originally passed. The codifiers, for some reason which does not appear, changed somewhat the phraseology of the act referred to. They use the words "judicial circuit" instead of "judicial district." So the section as codified: "When any offence is begun in any official circuit and completed in another, it shall be deemed to have been committed in either; to be tried, determined and punished in

either district." This change throws doubt upon the point whether the Supreme Court of this district, under this section, would have jurisdiction of offence in the question, because the District of Columbia may not be held to be a judicial circuit; but this doubt may be somewhat lessened when it is observed that section 731 Revised Statutes provides such offence may be dealt with, inquired of, tried, determined and punished in either district. To make the section consistent it would seem that the words "circuit" and "district" should be construed as meaning the same thing. Should there be doubt as to the correct interpretation, the Court would refer to the original act.

Guiteau, when asked by the District Attorney whom he desired to act as counsel, asked that a telegram might be sent to his brother-in-law, George Scoville of Chicago. This gentleman volunteered some time since to serve Guiteau in this capacity, but the latter refused the offer, and said that, while Scoville was a clever fellow and a fair lawyer, he was of no more use in such a case as this than a stick; that he (Guiteau) knew more law and could defend himself better than Scoville could do it.

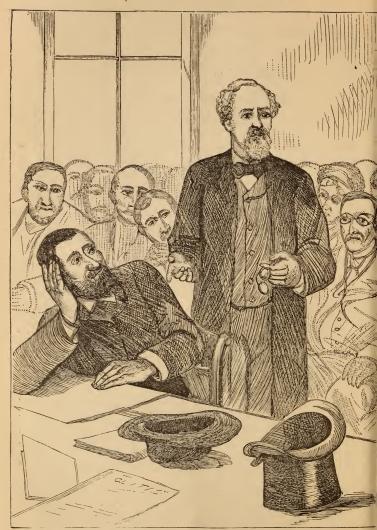
Colonel Corkhill informed Guiteau that his case would be the first one given to the grand jury when they met on Monday, October 3. There were about twenty witnesses to examine, including some who saw the shooting, and some of the attending surgeons to testify as to the effect of the shot and the subsequent death.

Mr. Scoville soon after arrived at Washington, and appeared as counsel for the assassin in the Criminal Court, before Judge Cox.

There was a very large attendance in the Criminal Court on the morning of the 14th day of October, a considerable



THE DEPUTY MARSHALS ENDEAVORING TO SILENCE GUITEAU



MR. SCOVILLE MAKING HIS CLOSING ADDRESS TO THE JURY.

number of spectators being attracted by the rumor that Guiteau would be arraigned.

At about 11.15, Mr. Scoville, counsel for the assassin, entered and took a seat. Immediately afterward the door of the witnesses' room opened and gave entrance to Marshal Henry and two deputy marshals, having between them and hustling along the bowed and cowering form of a man, for whom they made way to the seat reserved for him beside his counsel. Then one of the guards unlocked the handcuffs, giving the prisoner the use of his hands, which he continued, however, to hold crossed, as if that was their usual position.

Guiteau looked broken in health and uncared for in person. His hair was closely cropped, but his cheek- and chin-whiskers were worn thick, but not long. His dark clothes were rusty and shabby, and his whole person presented a miserably neglected appearance.

After the excitement attending the entrance had subsided, District Attorney Corkhill rose, and, addressing the Judge, said, "The grand jury of the District of Columbia has indicted Charles Guiteau for the murder of James A. Garfield. The prisoner is in Court. I ask that he be arraigned and required to plead to the indictment."

The prisoner was ordered to stand, and in a languid manner obeyed.

The Clerk. Is your name Charles J. Guiteau?

The prisoner assented by a nod.

The Clerk then proceeded to read the indictment, the prisoner standing up with his head most of the time inclined to the right shoulder, his eyes half closed, or wholly so, his hands crossed over his stomach, as if they still wore the handcuffs, and his general look one of sickly indiffer-

ence. The reading occupied nearly half an hour, and during all that time Guiteau hardly once changed his attitude or bearing and rarely opened his eyes. He did not manifest the slightest degree of interest in the scene in which he was the chief actor, and but for an occasional slight movement might be supposed to be asleep in a standing attitude.

Upon conclusion of the reading of the indictment, the Clerk, addressing the prisoner, said, "What say you to this indictment, guilty or not guilty?"

The prisoner, in place of response, fumbled in his waist-coat-pocket and drew out a soiled and crumpled scrap of paper.

The District Attorney (imperatively). Enter your plea of

guilty or not guilty.

The Prisoner. I enter a plea of not guilty, if Your Honor please, and I desire to make a statement.

The Court. At some other time; it would not be appropriate just now. Sit down.

The prisoner thereupon took his seat.

The District Attorney. In this case I ask that the trial be set for next Monday morning, peremptorily. The Government is ready for trial now.

Mr. Scoville. I appear here for the defendant at his request, and I have some affidavits to present to the Court, the first being that of the defendant himself.

The affidavit, which was read, stated that there were various witnesses whose evidence was material to the prisoner's defence, and without which he could not safely go to the trial; that the names of such witnesses and the facts that could be proved by them, severally, were all known to the affiant's counsel, Mr. George Scoville, and were only known in part to the affiant; that he had no money nor property

and was unable to pay the fees or mileage of witnesses or the cost of summoning. He therefore prayed that the Court should allow such witnesses on his behalf as might be shown by the affidavit of counsel to be necessary, the fees and costs to be paid in such manner as those of Government witnesses were paid.

Mr. Scoville then read the affidavit made by himself. It stated that, besides the points of law that might be made, the defence would consist of two points-first, the insanity of the defendant; and second, that the wound was not necessarily mortal, and was not the cause of President Garfield's death. The affiant had endeavored to obtain the names and residence of witnesses for the defence to prove material facts on the question of insanity, but had been unable to do so because the defendant did not seem to understand and refused to acknowledge the effect of the common and established rules of evidence in such eases. The affiant believed this difficulty to arise from the very fact which such evidence would prove-viz., the defendant's insanity-and yet he knew of no means to overcome it. For that reason chiefly the affidavit of the affiant became necessary in the case. He further said that since he was employed in the case, ten days ago, he had done what he could to prepare for trial, and especially had he made such inquiries as he was able to make to find witnesses for the defence. He further said that the names and residences of such witnesses were as follows: John M. Guiteau of New York, G. A. Parker, William J. Maynard, Francis W. S. Browley, Orson W. Goyt and Francis M. Scoville, at Chicago.

The affiant expected to prove by these witnesses the defendant's tendency to hereditary insanity, not only by his own conduct, but by establishing, first, that one D. W. Gui-

teau, a brother of the defendant's father, was insane, and died in an insane asylum in New York many years ago; second, that one Augustus Parker, a cousin of the defendant, a son of his father's sister, was insane, and died four years ago in an insane asylum in Cook county, Illinois; third, that another cousin of the defendant, one Abby Maynard, daughter of another sister of the defendant's father, had been insane for many years, and was then confined in an insane asylum in Michigan; and, fourth, that Luther A. Guiteau, father of the defendant, was a monomaniac on the subject of religion for many years.

The affiant further said he expected to prove the actual insanity of the defendant himself on different occasions by B. G. Scoville and George T. Burrows of Chicago, John H. Noyes of Niagara Falls, John A. Rice of Waukesha, Mich., and a Mr. Bradley of Chicago. The affiant further said that he expected to prove by a Mr. Foss of Dover, N. H., that he was present at the time and place of the shooting, saw the defendant and heard what he said, and that the defendant's acts and words on that occasion showed unmistakably that he was insane.

The affiant further said that it was important and necessary for the defence to have the testimony of experts on the subject of insanity, and that he expected to prove that the defendant was insane at the time of the shooting by the testimony of the following-named medical witnesses: Drs. MacDonald and Fitch of the insane asylum on Ward's Island, New York; Dr. Bradner, late of the Pennsylvania Hospital of the Insane, in the city of Philadelphia; and Dr. Sprague, in charge of Cook County (Illinois) Asylum for the Insane.

The affiant also expected to prove by the following-named

competent medical experts, Wm. A. Hammond of New York, J. Marion Sims of New York, Moses Gunn of Chicago, and Edmund Andrews of Chicago, that the wound was not necessarily fatal, and was not of itself the cause of the death of J. A. Garfield, but that death ensued as the result of malpractice of the principal physician in charge of the wounded man. The affiant had reason to believe that there are other and material witnesses for the defence whose names and residence were at present unknown to him, on the question of insanity; that thus far the affiant had not been able to obtain information from the defendant or otherwise with any particularity as to where he had been or as to the persons with whom he associated for some years past, so as to know whom to call as witnesses; but the affiant believed that upon further inquiry and within thirty days he could ascertain the name and residence of many such persons whose testimony would be very material. He believed that as many witnesses would be necessary on the part of the defence as appeared on the list of witnesses for the prosecution—to wit, forty-four—and the Court was asked to make an order allowing any number of witnesses, not exceeding forty-four, to be subprenaed on the part of the defendant as his counsel might from time to time deem necessary. The affiant further stated that the defendant had no means of payment of any expenses, and that the affiant himself had received nothing, and expected to receive nothing, for his expenses, disbursements, etc.

The affidavit having been read, Mr. Scoville said, "I have endeavored, under the instruction of the defendant, to secure competent counsel to attend to his defence. I am myself not familiar with criminal law nor criminal practice, and would not feel competent to take upon myself the

defence. I have acted alone thus far merely from the force of circumstances. As soon as application was made to me to act for the defendant, and in accordance with his request, I asked Mr. Emory A. Storrs of Chicago—a gentleman conversant with criminal law—to undertake the defence. Mr. Storrs said that his engagements were such that it would not be possible for him to give that time and attention to it which the importance of the case demanded. I next applied to Mr. Richard T. Merrick of this city, and received substantially the same answer. Mr. Merrick, however, kindly consented, in case the question of jurisdiction should be raised, to argue that branch of the case to the Court, but he said that beyond that his engagements would not permit him to take an active part in the defence. I next, under the instructions of the defendant, applied to Mr. Benjamin F. Butler of Boston, but my impression is that the letter addressed to him must have miscarried. It was mailed by me last Monday, and as yet I have received no answer. I saw what purported to be a telegraphic despatch from Mr. Butler to some one in this city, dated on Wednesday, at Boston, saying that he had not heard from me. I have not addressed him further, hoping that he has received, or will receive, my letter of last Monday. Of course, if he cannot attend to it, it will be my duty to try to obtain other counsel. I mention these things as a part of the reasons which I think should operate with the Court and influence it to grant further time in this case.

"In regard to the witnesses and the facts, I have stated them in the affidavit as fully as I am at present informed. The Court will perceive that it is of the utmost importance uot only to the prisoner himself, but to the public at large, that the prisoner should be well represented in his defence. It seems to me to be utterly impracticable that the trial should take place next week. If General Butler should decide to appear in the case, it would be proper for the prisoner himself to indicate to the Court his choice of counsel."

Mr. Scoville then proceeded to discuss the question of procuring the attendance of witnesses from abroad and having the expenses thereof paid by the Government. He claimed that under the statute the question was one entirely under the discretion of the Court. He said, "As yet I am alone in this matter. I have no one to help me, not even a clerk to prepare and copy papers. This work of getting up evidence, looking up witnesses and subpænaing them, all devolves upon myself. All that I ask is that such action may be taken by the Court as will enable me to get witnesses for the defence. On some of the questions stated in the affidavit I am perfectly willing to take depositions of the witnesses; as, for instance, proof of the allegation that certain members of the Guiteau family became insane and died in an insane asylum. These facts are easily proved by depositions. But in another class of testimony, where it rests upon the opinions and conclusions of the witnesses from certain circumstances, it may be very important, as the Court will see, to have the witnesses here for examination, so that the facts and circumstances as detailed may be inquired into more fully than they could possibly be on written interrogatories. That class of witnesses, as well as experts—the value of whose testimony would rest a great deal upon the examination and cross-examination to which they would be subjected before a jury-should be all in personal attendance. A fair trial cannot be had in any other way; that is the reason why I ask the Court to issue

an order to allow the expenses of such witnesses and to give me sufficient time to prepare. As to the time required, I do not wish to suggest it at present. I should much prefer that the District Attorney would be sufficiently liberal in the matter, so that no question would be raised. There are certain indictments on the docket which are ahead of this case—some of them rather important ones—and which can in the mean time be tried to advantage. I believe the Star-Route cases are ahead of it. This defendant can lie in jail a few weeks longer without harm to himself or the Government. At the same time, I want the Court to understand that there is no disposition, so far as I am concerned, to postpone the trial; in fact, I wish it disposed of as soon as it can be done with justice to the defendant, and so as to secure a fair and impartial trial."

The District Attorney. My own judgment about the matter, independently of the circumstances surrounding the case, is that the trial ought to take place immediately, or as soon as possible. The Government is ready for trial to-day, and will be ready on Monday next. The trial should not be unduly postponed. It is true that the gentleman representing the prisoner has only been actually engaged in the case for a couple of weeks, but it is equally true that he has been familiar with the case all the time, and visited the prisoner within three or four days after the shooting. Although he may not have expected at that time to appear as his counsel, still he has had that length of time to think the matter over; and he does not stand in the same relation to the case in which a lawyer would stand on being assigned by the Court for the first time to the defence of a criminal. If that duty had been imposed by the Court on a member of the Bar who was not familiar with the facts of the case, or with the de-

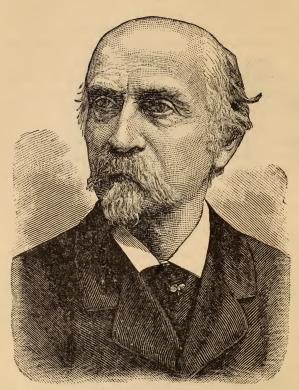


R. A. PARKE,

The ticket-agent who seized Guiteau after the shooting.



JUDGE PORTER.



JUDGE COX, OF THE SUPREME COURT, Before whom the Assassin was tried.

fendant, I should feel it my duty to be more liberal than I can possibly consent to be with the counsel now present. He occupies the double capacity of counsel and of a relative; he is thus enabled to know definitely as much as any man can possibly know about the history of the prisoner's life. Your Honor will readily see that counsel can tell to-day what witnesses should be summoned on the question of insanity. He probably knew a month ago what witnesses ought to be summoned; hence he has foreshadowed three points in this case: first, the question of law relating to jurisdiction; second, the question of irresponsibility of this man on account of insanity; and third, that the death of James A. Garfield was occasioned by malpraetice on the part of the physicians who attended him. The law is extremely liberal to persons accused of crime, and at present the law is more liberal than it ever was; in fact, the liberality of the law has gone so far that it has almost interfered with proper punishment of criminals. But the law has never gone so far as Your Honor is now asked to extend it. The law provides that the prisoner shall have the process of the Court to compel the attendance of witnesses, That Your Honor cannot deny, and that the prisoner is entitled to without any request. The statute declares that whenever any person indicted in a Court of the United States presents an affidavit stating that there are witnesses whose evidence is material to his defence, and stating what he expects to prove by each of them and that they are within the jurisdiction of the Court, or within one hundred miles of the place of trial, and that he is not possessed of sufficient means to procure their attendance, the Court may order such witnesses to be subpoenaed, and the costs and fees of the witnesses shall be paid in the same manner as where wit-

nesses are subpænaed by the United States. The law binds the hands of the Court and restricts its discretion to the case of witnesses being within its jurisdiction, or within a hundred miles of the place of trial. As to summoning experts on the question of insanity, or as to summoning eminent surgeons on the question of treatment, Your Honor has no power to do so. If that defence is to be interposed, the prisoner and his counsel must provide for it. If the prisoner desires the attendance of any witnesses within a hundred miles of Washington, and will state on oath who they are and what he expects to prove by them, and if Your Honor thinks that their testimony is material enough to justify subjecting the United States to the expense of having such witnesses, I shall make no objection. But as to these other witnesses, Your Honor is entirely powerless to make any order about them. So far as the Government paying these witnesses is concerned, an order cannot be made involving that end. As to the majority of them, their testimony, if necessary at all, can be taken by deposition. If Your Honor thinks it proper that in the circumstances the prisoner should have time to take the testimony of these witnesses, every opportunity will be offered to obtain it by depositions. But the case should be tried, and tried promptly. As to the preliminary question of jurisdiction, I ask Your Honor to set that question for hearing at a very early day and before the trial. Let that question be first disposed of, so that when the trial is reached the case shall go on. Another request that I have to make is that the day fixed for the trial shall be peremptorily fixed, and that the prisoner and his counsel shall understand that it means the day of trial, and not the day for presenting affidavits for another continuance.

After some further discussion of the question as to the subpænaing of witnesses for the defence and the payment of costs and expenses by the Government, the Court said: "It is of the utmost importance to the interest of public justice that not only this case, but all cases of like gravity, shall be tried as swiftly as is consistent with justice. I appreciate the fact that the line of defence in this case would require evidence to be brought from other places. The diligence already employed by counsel has been fruitful enough in ascertaining what witnesses should be summoned and what testimony may be presented. I must consult somewhat the other engagements of this Court in fixing the time for trial; and I think the most convenient time for the Court, and a time that will accommodate the prisoner sufficiently, will be the 7th of November, which is three weeks from next Monday. I cannot ignore the fact that there is an important question relating to the jurisdiction of the Court to try the case at all, which is a subject of discussion, and which arises on the face of the indictment. Until that question is determined it cannot, of course, be decided whether there will be any trial here at all. If the jurisdiction of the Court is to be discussed, that question must be disposed of as a preliminary one; and I desire to have that done speedily—either immediately or by the 30th of the present month—so that the question may be out of the way. With reference to the application for an order to allow the cost of witnesses, I will examine the statutes, and will make such order on the subject as I may feel authorized to do. I have no disposition to withhold any power of the Court in the matter, and whatever the law allows to be done in that respect I will do. As to counsel for the accused, if I shall be advised that assistance cannot be had elsewhere, I shall

feel it my duty to assign proper counsel from this Bar. At present I will fix the trial for the 7th of November."

The District Attorney. And the preliminary argument on the question of jurisdiction for the 30th of October?

The Court. Before the 30th; either next week or the week preceding the trial.

Mr. Scoville. That is a matter which I did not feel inclined to say anything about, because it is a thing which I have not investigated at all.

The Court. If the question arises, you will have to withdraw the plea of not guilty and interpose either another plea or a demurrer. Our practice is to allow that to be done.

Mr. Scoville. I thought of leaving that for the counsel who may come into the case and the District Attorney to settle between themselves.

The District Attorney. Mr. Scoville has informed me that Mr. Merrick has agreed to argue that question at the convenience of the Court.

Mr. Scoville. And I told Mr. Merrick that I should be very glad to have him do so. But suppose that Mr. Butler, or some one else, should come into the case, and should say that he did not require Mr. Merrick's services? I do not know how it might be in that case.

The District Attorney. I had not thought of that.

This closed the proceedings for the day. The Marshal and his assistants replaced the handcuffs on the wrists of Guiteau, who manifested throughout the same listless indifference which he had shown when the indictment was being read to him. He was hurried out of Court in the same way he had been brought in, and was put into a hack in waiting and driven back to the jail, in the immediate custody of the Marshal and his assistants.

While Guiteau was being arraigned a large-sized man approached some of the officers of the Court and asked for the loan of a pistol. His inquiries causing suspicion, he was taken to police headquarters, where he gave his name as George H. Bethard and showed a diploma as a lawyer, issued to him June 23, in Columbus, Ohio. He said that he fought in Garfield's regiment, and showed two gunshot wounds in his legs and a bayonet wound in the side of his head, which he said he received in the battle at Shiloh. He had been doing clerical work for a lawyer in this city. He heard that Guiteau was to be arraigned to-day, and intended to get a "bull-dog" pistol and shoot him at the City Hall. He took his diploma with him to ensure his getting into the court-room as a member of the bar. He had evidently been drinking.

Messrs. Scoville and Robinson, counsel for Guiteau, were present when the Criminal Court was called to order on the 26th day of October, the Government being represented by District Attorney Corkhill and Mr. Davidge. Mr. Robinson asked the Court to postpone the trial of Guiteau for two weeks, from November 7 to November 21, and in doing so said, "If I could possibly avoid asking for the delay, I certainly would do so. I do not wish to have the appearance even of asking for any delay that is not absolutely necessary. The Court is of course aware that at the time of my assignment to this case I was under pressure of some existing engagements. I have at this time a case on the United States Supreme Court which is within call to-day, and I have other engagements which it is simply impossible at once to lay aside or provide for. I have an engagement for the very week in which this trial begins in the County Court of Fairfax county, Virginia. However, it is not on

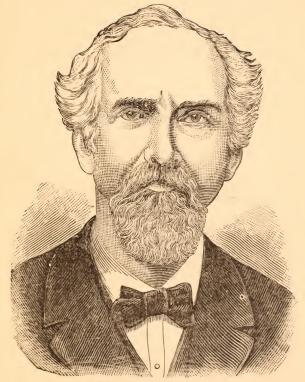
grounds personal to myself exclusively, and which savor of excuse, that I ask for the delay, but simply because the time is too short to enable me properly and adequately to prepare for the trial. The Court is aware that I represent in this case a duty rather than a client, and it is because I wish properly to discharge a duty with which I am charged that I ask for a postponement which is simply indispensable to a fair presentation of a case in which not only this community, but the whole country, is so deeply interested. For if, as a result of this postponement, it can be demonstrated that the time has not yet come in this country when a sane man will kill the President simply because he is the President, I am sure that the whole country will-certainly it ought to-experience a sense of relief. Perhaps every one will suppose that with me the wish is father to the thought, but I am sure the wish is a natural one for every one in the country, whatever may be the thought at present. I am absolutely compelled to ask for a postponement for at least two weeks. Not yet have I had an opportunity for more than two consultations with my associate, and I have never seen the prisoner except on the day of his arraignment."

District Attorney Corkhill replied that under ordinary circumstances there would be no disposition to refuse extending the courtesy asked for. But the circumstances of this case were peculiar. When the prisoner had been arraigned, he (Corkhill) had stated that the Government was ready for trial. He had not expected that the defence was ready, but had stated then that whatever time was fixed should be fixed peremptorily for the trial, and not for an application for a continuance. The Court, after hearing all that could be said by the counsel for the defence, and without any serious objection from him, had fixed Novem-

ber 7 as the day for the trial, with the intimation that it desired the question of jurisdiction should be settled by the discretion of counsel before the 30th of the present month. The gentleman who had just addressed the Court (Mr. Robinson) had accepted the assignment to the case as it at present existed. He had been selected by his associate (Scoville). and his appointment asked of the Court. He had known at the time that November 7 had been fixed for the trial. In addition to this, the Government had retained certain eminent counsel to assist in the prosecution, and they had accepted with the understanding that November 7 was the day for the trial. Mr. Davidge, one of his (Corkhill's) associates, had accepted with that understanding, and he had this morning received a telegram from Judge Porter of New York accepting the assignment with the same understanding. Any postponement of this case might therefore result in complications which no one could foresee. Had anything been presented upon which the Court could act—anything except the statement of counsel that he would establish the fact that an insane man killed the President? It was more important that a sane man who assassinated the President should promptly expiate that crime. That was what the people were waiting for, and not that this man should be proved insane. Not a fact had been stated, not a witness asked for, not a single affidavit presented to the Court upon which it could act. It was not stated that there was any witness who could not be brought here, or that a fact could not be presented to the jury at that time, but that there was a mere chimerical, imaginary hope that something might turn up.

The Court stated that if this were an ordinary case of the voluntary arrangement of counsel to enter into the case, he should say that the case should not be subordinated to other engagements, but it was a consideration not to be disregarded that the order of the Court had taken counsel from the performance of other engagements. In view of all the circumstances, he would postpone the time to November 14, and no longer. He did not think he would be warranted in postponing it beyond that period, but believed that that would afford adequate time for the preparation of the defence.

Although counsel for the defence moved a further postponement of the trial, it commenced on that day.



GEORGE M. SCOVILLE, Counsel for Guiteau.



HON. GEO. B. CORKHILL, Prosecuting Attorney in the Guiteau Trial.

AUTOBIOGRAPHY

OF

CHARLES JULES GUITEAU.

LAWYER, THEOLOGIAN AND POLITICIAN.

GLOOMY RECOLLECTIONS OF THE ONEIDA COMMUNITY

Conception and Execution of the Assassination.

A POLITICAL NECESSITY!

STORY OF THE TRAGEDY AT THE WASHINGTON DEPOT.

HOW GARFIELD FELL.

GUITEAU'S ABSURD DEFENCE OF HIS HORRIBLE CRIME.

THE assassin, Charles Guiteau, has narrated the story of his life. As the record of a man who will stand in history as one of the greatest of criminals it possesses a special interest and importance. Guiteau, in a series of interviews, dictated this account of his life and adventures, and the passages within quotation marks contain the exact language that he used, as taken down by a shorthand writer. Guiteau's vanity is literally nauseating. He has an idea that the whole civilized world is holding its breath waiting to hear of the minutest details in his career. He thinks the people have a very great desire to be fully informed concerning his conduct during his confinement in jail. the interviews Guiteau used a memorandum containing a list of subjects upon which he wished to talk. He spoke with deliberation, occasionally emphasizing, somewhat dramatically, with his voice or by gesture a remark which he

(81)

deemed of great importance, or chuckling at the mention of some incident which he considered amusing. He observed the utmost discrimination as to language—many times balancing in his mind for some moments the appropriateness of an expression or word, and even directing the manner of paragraphing and punctuation. He objected strenuously to the "continuity of his thought" being disturbed by interruption and frequently stated so in a most imperious way, intimating that the interruption had placed in immediate jeopardy of destruction some thought of vital interest and importance to the community.

GUITEAU'S VIEWS OF THE ASSASSINATION.

The assassin begins with a brief chapter, which he calls "Introduction," in which he seeks to explain his crime. "I have not," he says, "used the words 'assassination' or 'assassin' in this work. These words grate on the mind and produce a bad feeling. I think of General Garfield's condition as a removal and not as an assassination. My idea simply stated was to remove as easily as possible Mr. James A. Garfield, a quiet and good-natured citizen of Ohio, who temporarily occupied the position of President of the United States, and substitute in his place Mr. Chester A. Arthur, of New York, a distinguished and highly

estimable gentleman.

"Mr. Garfield I intended to quietly remove to Paradise (which is a great improvement on this world), while Mr. Arthur saved the Republic." And he adds:—"Not a soul in the universe knew of my purpose to remove the President. If it has failed I shall never attempt it again. My motive was purely political and patriotic, and I acted under divine pressure. It was the same kind of pressure that led Abraham to sacrifice his son Isaac." These hysterical utterances are followed by what he calls "an ad lress to the American people," in which he reiterates the declaration that he alone is responsible. "The President's nomination," he says, "was an act of God; his election was an act of God; his removal is an act of God. These three specific acts of the Deity may give the clergy a text."

A CHAPTER IN GENEALOGY.

Guiteau then goes on to tell about his family. "My full name," he says, "is Charles Julius Guiteau. I have dropped the Julius; I prefer to be known as Charles Guiteau. My surname is spelt G-u-i-t-e-a-u; it is pronounced Get'-o. It is a French name. My father's ancestor, two hundred years or more back, was a physician connected with the royal family of France. I do not know much about my genealogy. There is a John M. Guiteau in New York who belongs to our family and who has its genealogy. He is a lawyer and a man of considerable wealth, I believe. He has lived in New York about twenty-five years, and

formerly practised law at Cincinnati, Ohio.

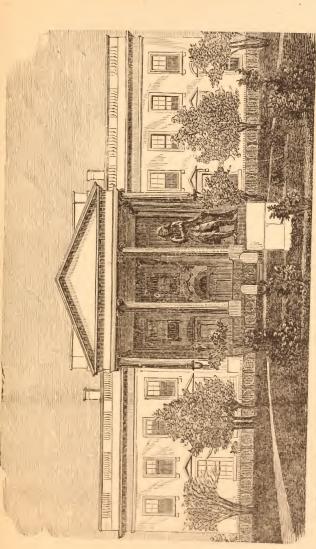
"There were two brothers named Guiteau, who came to this country, as I understand it, from France, a good many years ago—my father's ancestor, and the ancestor of John M. Guiteau. These are the only two branches of the Guiteau family in America that I know of. My father's family settled in Central New York; John M. Guiteau's ancestors went to Ohio. My paternal grandfather was a physician and a very prominent one, at the beginning of the century, near Utica, N. Y. My father was born at Whitesboro, near Utica, N. Y., in 1810. He died in August, 1880, at Freeport, Ill., having lived there for about forty years. He originally was a merchant. He was clerk of the Circuit Court of Stevenson county one term. After that, for about twelve years, he was cashier of the Second National Bank at Freeport. He was a very good man, a very pious man and an intelligent man.

"About thirty years ago he became interested in the publications of John H. Noyes, who is the founder of the Oneida Community, and was under his influence more or less during that entire period. I used to hear him talk about the Community a great deal in his family and I became interested in it in that way in my early boyhood. My mother died when I was seven years old. I know very little about my mother. I understood she was a woman of fine mind and a lady in every respect. I have heard

her very highly spoken of. I have a brother named John Wilson Guiteau: he is eight years older than I am. He was born at Ann Arbor, Mich. He lived at Freeport in his early days, and he went to Davenport, Iowa, in 1854 and lived there some fifteen years. He was a lawyer by profession and practised at Davenport. In 1869 he went to New York city and entered the employ of the United States Life Insurance Company. He was with them two years, and was one of their principal men. He has a great deal of insurance brain. . . . I have a sister who is married to George Scoville, Esq., an attorney at Chicago. They were married in 1853 and have several children. My mother died at Freeport when I was seven years old, and my father was a widower for five years. He then married a lady at Freeport, named Maria Blood, in 1853. They have two children living-a daughter (my half sister), about twenty-five years old, and a son (my half brother) about twenty-three years old."

EARLY LIFE AND HISTORY.

Guiteau next gives the story of his life. He was born at Freeport, Ill., September 8th, 1841. As a boy he says he knew Mr. E. B. Washburne and General John M. Scofield, whom he remembers as a cadet at West Point. He went to school to Mr. Burchard, the present Director of the Mint. Reading Guiteau's life, as written by himself, it is easy to see that he is a creature of the most intense vanity. "I was always," he tells us, "ambitious to be somebody and was a great reader." His father took the Tribune, and he had a great reverence for Horace Greeley and Henry Ward Beecher, from whom he declares he got most of his political and social views. His father was a Whig and a Republican; of moderate means; in religion a sort of fanatic, who believed in what were called the new ideas of the time. Noves, of the Oneida Community, made a great impression on him, and he endeavored to inculcate the doctrines of that peculiar establishment on his family.



THE WHITE HOUSE-THE SCENE OF PRESIDENT GARFIELD'S GREAT SUFFERING,



With President Garfield when he was shot, and one of the Principal Witnesses.

Guiteau traces all his misfortunes and failures in life to his early training, and he is especially severe on his father, to whom be attributes most of his calamities and ill-success. In 1859 he desired to go to college. His father, he says, opposed the idea, but finally consented, and he went to Ann Arbor, in Michigan. Some money-about \$1,000 -had been left him by his maternal grandfather, a Major John Howe, who fondly declared that he "had more brains than all the rest of the Guiteau family," and who took "a great interest in him." Guiteau's intention was to spend two years there fitting himself for the study and practice of the law, but-instead of going to college he joined the Oneida Community. This was in June, 1860. His father advised him, he says, to take this step, and he has never ceased to repent of it. He remained there five or six years, during which he had scarcely anything to do with his family. The picture he draws of it is a gloomy one. Noves was harsh, cold, cruel, and exacted the most degrading service. He worked there as a common laborer, did service in the kitchen and on the farm. There was, however, a pretty good library there, and in it he spent all the time at his disposal. With the female portion of the society he did not get along very well. They made fun of him and wounded his self-esteem. He made up his mind to leave in a short time, and turned his eyes toward New York. This was in 1865. He had about \$1,000, and he conceived the idea of starting a religious newspaper here, for which he had hit upon the name of the New York Daily Theocrat. The story of Horace Greeley and the foundation of the Tribune, were in his mind, and he thought he could accomplish what Mr. Greeley had accomplished. Nothing, he says, ever came of it. His New York trip was not a He made himself at home in the rooms of the Young Men's Christian Association: became acquainted with the secretary, Mr. McBurney. He tried to find something to do; lived in Hoboken in an humble way from April to August, in 1865, and in his distress again turned to Oneida. He wrote to them and secured a position on

trial in the New York agency, where he remained until the following November, when he again joined the parent establishment. His second visit lasted until November, 1866, when he again left. The story that he was expelled he indignantly denies. In November, 1866, he was again in New York, hanging around the quarters of the Young Men's Christian Association, boarding in Brooklyn and attending Plymouth Church.

EXPLOITS IN THE WEST.

In 1867 he turned his eyes toward the West. His family, with whom he appears to have had little or no communication, had heard in some way that the Oneida Community and he had parted company, and Mr. Scoville, his brother-in-law, sent him a letter enclosing \$20 and inviting him to that city. He went, but remained only a few months, when he again came back to the metropolis. This was in 1867. The spring of the following year again found him in Chicago, studying law. He was admitted to practice in a short time by Charles H. Reed, who was then District Attorney. Mr. Reed, it appears, asked him a few simple questions about law, and he obtained his certificate. He remained in Chicago until 1871. "I did well," he says, "was industrious and had no bad habits, and was active in getting business." About this time Guiteau was married to a lady whom he had met at the Young Men's Christian Association establishment in Chicago. A full account of his married life as told by himself and wife, on the witness-stand, will be found in another part of this book.

Guiteau next turned his thoughts toward California. He went there and failed. His domestic relations were not, it may be imagined, of a very pleasant character, and a divorce followed.

A LAWSUIT WITH THE HERALD.

Guiteau again drifted back to New York and set himself up in the law. He was doing well, he says, until un-

fortunately he and one of his cases got into the Herald's law reports. It seems that he was engaged by some parties as counsel in the collection of a lot of claims which are generally set down as "worthless." The one in question was for \$350. "I took it," he writes, "from a friend of the firm that owned it. This party was not willing to advance a single cent in defraying expenses and considered the claim totally worthless. After a great deal of effort and time I succeeded in collecting a portion of the claim, and the balance I directed my attorney, South, to prosecute. I kept the first instalment which I received for my services and disbursements. I felt justified in doing this because the parties that gave me the claim had not advanced me a cent on it, and considered it totally worthless at the time I took it. They insisted, when they ascertained that a part of the claim had been paid, that I ought to pay it to them. I declined to do it. Therefore they commenced proceedings against me in the Supreme Court before Judge Donohue, at Chambers, to compel me to disburse. I resisted the application successfully, the judge holding that I was right in my course.

"The New York Herald's law reporter pretended to give an account of the proceedings before Judge Donohue to compel me to pay over the money; he wrote up his article in a very sharp, witty style, and headed it, among other things, 'A Profitable Collecting Lawyer.' I do not remember the details of the publication; I only remember that it was very sharp and witty, and that it did me a great deal of harm. I therefore went to the Herald office and requested a retraction. I saw the law editor and he put me off. I tried to see the managing editor, with the same effect, and finally I commenced a suit against the Herald for a libel for \$100,000. I commenced the action in my own name against the proprietor. I filed my complaint setting forth the facts; Mr. Townshend, the Herald's attorney, answered it. I made an application to strike out certain portions of the answer as irrelevant, and asking for other relief. The motion was heard before Judge Lawrence, in Chambers, who denied my motion. The matter

has thus stood in court from that day to this.

"The Herald's libel was published in April, 1874. December, 1874, I became very much reduced in circumstances; I was out of business and out of money and out of friends. I had not been in New York a sufficient length of time to get thoroughly established in business. Prior to the Herald publication I was doing well. I had clients and every prospect of success. I had been in New York for some two or three years. After the Herald publication my clients got demoralized, and the newspapers talked about it a good deal at the time and it demoralized me, and, to make it brief, I got all run down and run out. I lived a precarious existence there during the summer and fall. I tried to get on to my feet again in the law business. I got an office, but could not get enough business to pay my office rent. I could not pay my board bill, and I got thoroughly discouraged and demoralized, and suffered a good deal on account of the Herald publication. certainly a very unjust and injurious publication, and something that no lawyer could possibly endure unless he was well established."

Guiteau describes at considerable length the sea of troubles that came upon him as the result of the publication.

DOWN ON THE BLACK LIST.

"I was," he writes, "in great distress. I could not get money enough to pay my board during the summer, and I owed several parties for board, and they were pressing me for it, and finally I got my name on the black list there as a boarding-house beat, and it was circulated among boarding-house keepers. That was in 1874, and one night in December, 1874, I had not any money or any place to go to. It was raining—a cold, bitter night, I remember—and I went up to the St. Nicholas Hotel desk like a man, registered my name and told the clerk I would like a room. He gave me a room and I was there a week, and during this week I was pressing the Herald to settle my claim. I



OUR MARTYRED PRESIDENT.



THE WIFE OF OUR MARTYRED PRESIDENT.

needed the money. I was in great distress of mind. I could not get anything to do and I had not any money. I went around to the newspaper offices during the fall trying to get something to do, and I tried law business. They were all full, and I got an office myself once or twice and tried to get business, but I could not get enough to pay my office rent, and I gave it up. I got all run down and run out financially—out of friends, and out of business, and out of money. I had a terrible hard time there for several months.

"I stayed at the St. Nicholas one week. I did not have any other place to go to. I used to live around the Fifth Avenue Hotel and that part of the city, and when I was in practice I had money and I paid my bills like any gentleman, and I had plenty of bills to show for it. two or three years that I was in New York I was doing well. I had business and I had money and I had friends, a nice office, and all that; but after the Herald's publication, in the course of six or seven months, I got all run down and run out. I stayed at the St. Nicholas Hotel for a week, at the end of it they presented the bill. I did not have any money, and I told them that I would see them about it in a day or two, and I started to go. Just at that moment their detective came out. He was a burly fellow and he was very impudent. I had a good suit of clothes on and he looked at my coat and he says :- 'Well, that is a good coat; suppose we take that; suppose we put him out under the hydrant and open the hydrant on him; suppose we take him around to the other hotels and exhibit him.'

"The detective was abusing me in that way, and finally I lost my temper and I told him not to treat me in that way; that I was a gentleman and I would certainly pay them in a very few days; that I was expecting money. Thereupon he got angry and he seized me by the throat and marched me through the back way to the Prince street station house. He and Mr. King, one of the junior proprietors, went with me to the station house, and they put me into a cell and locked me up all night. The next morning the detective

came there and came to my cell, and says, 'How are you, Professor?' Says I, 'I am about so-so.' I had never been arrested before in my life and I felt terribly disgraced and very indignant at him for doing it. He was bluff and hilarious in his style and laughed and talked to me and wanted to know how much I had sued the *Herald* for and asked other impudent questions.'"

IN THE TOMBS.

The end of this distressing part of the biography is that Guiteau finally got into the Tombs on the charge of false pretences and that he was released through the agency of his relative, Mr. Scoville, who happened to be in the city at the time. The *Herald* episode in his history is closed up with the expression of the opinion that he would consider it a handsome thing if the proprietor would send him a check for \$10,000 and call the thing "square."

GUITEAU AS A SECOND ADVENTIST.

In the fall of 1875 Guiteau conceived the curious idea of becoming a great editor, and endeavored to purchase the Chicago Inter-Ocean. "I intended," he says, "to make it the great paper of the Northwest." He talked to his friends about it; but it is needless to add the project fell through. In the spring of 1876 he was again in Chicago with a law office. Mr. Moody started his revival meetings in the fall of that year, and Guiteau was of course on hand. About this time his thoughts turned toward theology.

"Along in November," he writes, "I began to get some

"Along in November," he writes, "I began to get some conceptions about the second coming of Christ. I heard the Rev. A. Kittredge, the well-known Presbyterian minister of Chicago, say at Farwell Hall prayer-meeting one day that, as a man of God, he had no idea when Christ would come. There seemed to be an impression in the public mind at that time and has been ever since that Christ might come very soon, and I studied the Bible, and this passage came to me with great force:—'If I will that he (John) tarry till I come, what is that to thee?' This idea was

the foundation of my subsequent discoveries in reference to the second coming of Christ, as set forth in detail in my book, 'The Truth.' I prepared the article on the second coming of Christ at the Public Library in Chicago during the month of December, 1876. I went there and got the New Testament and the Concordance and History, and I studied it up. I did not think of anything else scarcely during the entire month of December, while my mind was running on that idea of the second coming at the destruction of Jerusalem. The more I examined the New Testament with the help of the Concordance to find out just what the Testament said on the subject of the second coming the more certain I was that I got at the truth about it, and that article, as it now appears in my book, was the result of my discovery and research and study."

A LECTURING TOUR.

"Soon after writing that article I wanted to go out lecturing to enlighten the world in reference to the discovery which I conceived I had made, and I got the Methodist Church there—in Chicago—and I had my intention to deliver the lecture well announced in all the Chicago papers about the 10th or 15th of January, 1877. It was a Saturday night, a cold, bitter night, one of the coldest nights of the year, and after making some preparations and getting the hall, after considerable delay and trouble, I went there to deliver my lecture on the 'Second Coming of Christ at the Destruction of Jerusalem.' The announcement was made something like this, 'Admission, twenty-five cents; free to all who cannot afford to pay twenty-five cents.' I went there about eight o'clock and found about twenty-five people, and I went on to the stage and delivered my lecture on the 'Second Coming of Christ at the Destruction of Jerusalem, A. D. 70.'

"The next morning the Chicago Tribune gave me about three-quarters of a column, what they called a report of the lecture, setting it forth in rather unfavorable light, ridiculing me, etc., making fun of the failure of it, and the

publication did me a great deal of harm. It brought me into contempt, and I went to see the city editor about it, and he was on a high horse and would not make any correction of it, and I went to see Mr. Sam Medill, the managing editor, and he referred the matter to the city editor, and they would not, either of them, give me any satisfaction. They claimed it was a correct report of what happened, and they thought it would have been a great deal better if I had not attempted to deliver the lecture, and I certainly thought so when I saw their report and the result of my attempt. I finally persuaded the city editor to publish a little retraction, which he did the next morning, which relieved me considerably of the odium of the previous publication." Guiteau next describes his experience as a lecturer in different parts of the country, chiefly in the West. It is a long record of failure and disappointment, and will be found in another part of this work.

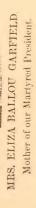
THE ASSASSIN AS A POLITICIAN.

Guiteau next gives his experience as a politician:

"I was," he says, "in New York from July 1, 1880, until the 5th of March, 1881. During this time I was around the headquarters of the National Committee, on Fifth Avenue, and the Republican State Committee, at the Fifth Avenue Hotel. I was in the habit of going to those places. During this time I made the personal acquaintance of the leading men of the Republican party. I had my speech, entitled 'Garfield Against Hancock,' printed on August 6, at the time the Republican Conference was held at the Fifth Avenue Hotel. I gave or sent this speech to all the leading men at that Conference. This was my first introduction to them. Afterward as I met them I introduced myself and called their attention to that speech. They seemed to be highly pleased with it, and that was the beginning of my personal acquaintance with them. I sent it to General Arthur and Senator Conkling, and General Logan and Senator Cameron, and all that kind of men. I

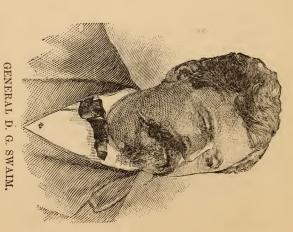


DR. D. W. BLISS, Chief Physician, and one of the Witnesses.





COLONEL A. F. ROCKWELL.



Were at the Depot when Pres. Garfield was shot, and with him as nurses until his death.

wanted to take the stump for General Garfield in August and I wrote Mr. Blaine (in Maine) about it, and called Governor Jewell's attention to my wish, but there was a great pressure on Mr. Blaine from their quarters for speakers. Not having a national reputation he did not use me in Maine. Governor Jewell was very kind to me personally. The disability I labored under was this:—I had ideas, but I did not have a national reputation. The State Committeemen wanted a man that would draw a large crowd. So, as a matter of fact, I only delivered that speech once, and that was at a colored meeting, I think, on Twenty-fifth street, one Saturday evening. I was the first speaker and delivered a portion of it and gave it to the reporters in print." After the result was known in November Guiteau wrote to General Garfield as follows:-"We have cleaned them all out just as I expected. Thank God! CHARLES GUITEAU." Very respectfully,

THE AUSTRIAN MISSION.

Immediately after the Indiana election, Guiteau began to think it was time to look around for something. He wrote to the President elect, suggesting that he might be a candidate for the Austrian Mission. Early in March he went to Washington, he says, for the purpose of getting an office. He had nothing to do in New York except solicit for some insurance companies. He says: "I addressed a letter to President Garfield and to Secretary Blaine some time in March, I should say, calling their attention to my services during the canvass and to my early suggestion to General Garfield at Mentor, in October and also in January, touching the Austrian Mission. I heard nothing about the Austrian Mission until I noticed in the paper that William Walter Phelps, of New Jersey, had been given the mission, and, of course, that ended it."

THE PARIS CONSULSHIP.

"I then sought the Paris Consulship. I spoke to General Logan about it, and he said that he would speak to

General Garfield and with Mr. Blaine. He told me that he did speak to General Garfield, and that General Garfield agreed to leave it with Mr. Blaine. I saw Mr. Blaine about it several times during the deadlock in the Senate, and Mr. Blaine said that they had not got to that yet. He was very clever at that time. I stood well with him and with General Garfield, and I had every reason to expect that they intended, as soon as they got to it, to give it to me. Mr. Walker, the present consul, was from New York, and had been appointed by Mr. Hayes two years ago upon the recommendation of ex-Secretary Evarts, and I did not feel that Mr. Walker had any claim upon General Garfield for the office, as the men who did the business during the canvass ought to be remembered. And I have an impression decidedly that at this time General Garfield and Mr. Blaine felt as I did.

"Well, I called at the White House to see General Garfield about it (after General Logan had spoken to him, and he had agreed to leave the matter to Secretary Blaine), but I was unable to see the President. I only called the President's attention to the matter once, and that was within two or three days after I reached Washington. I gave the President my speech entitled, 'Garfield against Hancock,' which I delivered in New York in August, 1880. marked at the head of the speech these words: 'Paris Consulship," which were written in pencil, and then drew a line down to my name, connecting the words 'Paris Consulship,' with my name, so that the President would remember what I wanted. This was the only time that I had any personal conversation with the President on my having the Paris Consulship. He took the speech and ran his eye over it, and there were other people pressing around him and I left him in the act of reading my speech. I went into his room through the private secretary's room, and there I saw Mr. Morton, Minister to France, and General Tyner and two or three other gentlemen of that character. They knew me and I was cleverly received, especially by Mr. Morton. He asked me about my health, how I was getting along, etc. This interview with the President occurred about the 7th or 8th of March."

LETTERS TO MR. BLAINE.

"I may say here that after Mr. Blaine was appointed Secretary of State I had not much expectation that I was to get the Austrian Mission, because I expected that it was to be given to one of the Blaine men; but I did think and I did feel that I had a right to press my application for the Paris Consulship in view of my having surrendered any supposed right that I might have had in reference to the Austrian Mission, on account of my having called General Garfield's attention to the Austrian Mission in October and also in January. I abandoned the idea of obtaining the Austrian Mission as soon as I saw that Mr. Blaine was appointed Secretary of State, but I did feel that I had a right to press my application for the Paris Consulship. During the deadlock in the Senate I wrote Mr. Blaine several notes. I called at the State Department several times, but he was generally busy, so I said what I had to by a brief note. I always addressed him familiarly as 'Secretary Blaine,' or 'Mr. Blaine.' After the deadlock broke I saw Mr. Blaine at the State Department one day, and he said that he did not think that the President would remove Mr. Walker.

"This was the first intimation from either the President or Mr. Blaine that they did not intend to give me the Paris Consulship. I was surprised, and I said to Mr. Blaine: 'I am going to see the President and try and induce him to remove Mr. Walker and give me the Paris Consulship. 'Well, if you can do so,' said Mr. Blaine. This is the last conversation I have had with him. I have not spoken to him on any subject since. A few days after I saw Mr. Blaine I called at the White House to get the President's final answer in reference to my getting the Paris Consulship. I sent in my card and the doorkeeper came back in a moment and said: 'Mr. Guiteau, the President says it will be impossible for him to see you to-day.' I therefore

sent him a little note and told him about the Paris Con-

sulship.

"I never had a personal interview with the President on the subject of the Paris Consulship except once, and that was when I handed him my speech and told him that I would like the Paris Consulship, which was about the 7th or 8th of March. He was inaugurated on Friday and it was about the middle of the following week after his inauguration. The time that I was pressing the Paris Consulship began about the first week in March and terminated, I should say, about the last of April. During those weeks I was pressing it and expected to get it. I have never had any final answer either from the President or from Mr. Blaine in reference to my having the Paris Consulship. It did not have the slightest influence on me one way or the other in reference to my removing the President."

CONCEPTION OF THE ASSASSINATION.

"I conceived the idea of removing the President," Guiteau declares, "pending the answer, and as far as the Paris Consulship had any influence on my mind at all it would have deterred me from the act, because I expected, as a matter of fact, that I would get the Paris Consulship. After I conceived the idea of removing the President I did not go near Mr. Blaine or near the President to press my application. About two or three weeks intervened from the time that I called at the President's when the door-keeper said, 'Mr. Guiteau, the President says it will be impossible for him to see you to-day,' to the time that I conceived the idea of removing him, during which time I was waiting patiently for my answer, which, as a matter of fact, I have never yet received.

"I had been pressing the President and Mr. Blaine for an answer, and I thought that it would be better for me to keep away from them. They had my address, and I thought if they concluded to give me the Paris Consulship they would notify me or I should see an announcement of the appointment in the paper, and, as I have stated, after I con-



GUITEAU URGING THE HACKMAN TO DRIVE FASTER.

ceived the idea of removing the President I did not go near the President or Mr. Blaine.

"My conception of the idea of removing the President was this: Mr. Conkling resigned on Monday, May 16th, 1881. On the following Wednesday I was in bed. I think I retired about eight c'clock. I felt depressed and perplexed on account of the political situation, and I retired much earlier than usual. I felt wearied in mind and body, and I was in my bed about nine o'clock, and I was thinking over the political situation, and the idea flashed through my brain that if the President was out of the way everything would go better. At first this was a mere impression. It startled me, but the next morning it came to me with renewed force, and I began to read the papers with my eye on the possibility that the President would have to go, and the more I read, the more I saw the complication of public affairs, the more was I impressed with the necessity of removing him. This thing continued for about two weeks. I kept reading the papers and kept being impressed, and the idea kept bearing and bearing and bearing down upon me that the only way to unite the two factions of the Republican party and save the Republic from going into the hands of the rebels and Democrats was to quietly remove the President."

PREPARING FOR THE CRIME.

"Two weeks after I conceived the idea my mind was thoroughly settled on the intention to remove the President. I then prepared myself. I sent to Boston for a copy of my book, 'The Truth,' and I spent a week in preparing that. I cut out a paragraph and a line and a word here and there and added one or two new chapters, put some new ideas in it and I greatly improved it. I knew that it would probably have a large sale on account of the notoriety that the act of removing the President would give me, and I wished the book to go out to the public in proper shape. That was one preparation for it.

"Another preparation was to think the matter all out in detail and to buy a revolver and to prepare myself for

executing the idea. This required some two or three weeks, and I gave my entire time and mind in preparing myself to execute the conception of removing the President. I never mentioned the conception to a living soul. I did most of my thinking in the park and on the street, and I used to go to the Arlington and the Riggs House daily to read the papers."

WATCHING AN OPPORTUNITY.

"After I had made up my mind to remove him the idea when I should remove him pressed me, and I was somewhat confused on that. I knew that it would not do to go to the White House and attempt it, because there were too many of the employes about, and I looked around for several days to try and get a good chance at him; and one Sunday (the Sunday before he went to Long Branch) I went to his church in the morning. It is a small frame building, and I stood there at the door a moment. a little late; the services had progressed about one-third. I noticed the President sitting near an open window about three feet from the ground, and I thought to myself, 'That would be a good chance to get him.' I intended to shoot him through the back of the head and let the ball pass through the ceiling, in order that no one else should be injured. And there could not possibly be a better place to remove a man than at his devotions. I had my revolver in my possession when I first went to the church, having purchased it about ten days before the President's going to Long Branch. This was the Sunday prior to his leaving for Long Branch on Saturday. During that whole week I read the papers carefully. I thought it all over in detail. I thought just what people would talk and thought what a tremendous excitement it would create, and I kept thinking about it all the week.

"I made up my mind that the next Sunday I would certainly shoot him if he was in church and I got a good chance at him. Thursday of the same week I noticed in the paper that he was going to Long Branch, and on the

following Saturday he did go to the Branch for Mrs. Garfield's health. I went to the depot all prepared to remove him. I had the revolver with me. I had all my papers nicely prepared. I spoke to a man about a carriage to take me, as I told him, over near the Congressional Cemetery. He said that he would take me over for two dollars, and seemed to be a very clever fellow and glad to get the job. I got to the depot about nine o'clock and waited there until

the President's White House carriage drove up.

"About twenty-five minutes after nine the President and his carriage and servants and friends came up. He got out of his carriage. I stood in the ladies' room, about the middle of the room, watching him. Mrs. Garfield got out and they walked through the ladies' room, and the presence of Mrs. Garfield deterred me from firing on him. I was all ready; my mind was all made up; I had all my papers with me; I had all my arrangements made to shoot him and to jump into a carriage and drive over to the jail. Mrs. Garfield looked so thin and she clung so tenderly to the President's arm that I did not have the heart to fire on him. He passed right through the ladies' reception room. through the main entrance, and took the cars. I waited a few moments. I went outside the depot and walked up town toward the Riggs House and Arlington and the park. I think that I went to the park and sat there an hour or two thinking about it, and I went to my lunch as usual, and after my lunch I went to the library of the Treasury Department and read the papers as usual, and I think I stayed there until three o'clock on Saturday, and then I went out. I do not remember where I went particularly; I think I went to the Riggs, the Arlington or the park. That was after I left the library."

AN ASSASSIN IN AMBUSH.

"I noticed in the papers," Guiteau continues, "that he would be back the first of the week. I watched the papers very carefully to see when he would return, but he did not come back that week, but he did come back on the follow-

ing Monday. The following Monday was a terribly hot, sultry day. I remember I suffered greatly from the heat, but notwithstanding that I prepared myself again and I went to the depot again on Monday with my revolver and my papers, but I did not feel like firing on him. I simply went to the depot. I sat in the ladies' waiting room. I got there ten or fifteen minutes before the train time, and I waited and thought it all over and made up my mind that I would not fire on him that day. I did not feel like it.

"The train came and President Garfield came, and Mr. James, the Postmaster General, was there and Mr. Hunt, the Secretary of the Navy, and their lady friends. They all came through the ladies' room together, and the President's son and a thick-set gentleman, that came from the White House to meet the President, were there. They went right to the gate and got the President, and they all walked together to the President's carriage and they all drove off. I stood on the entrance of the ladies' waiting room door, and I noticed James and Hunt there with their families, and the President and his friends drove up in his White House carriage and then James and Hunt went, and then I went. I got into a car and went up toward the Riggs House."

VIGIL OF A MURDERER.

"Well, I was watching for the President all that week. I got up one morning at half-past five, thinking that I might get the President when he was out horseback riding, but he did not go out that morning. I sat there in the park for two hours watching for him with my papers and revolver, thinking that I might get a chance at him, but he did not go out that morning, so I went back to my room, took breakfast, put up my papers and my revolver and let the matter drop until night. In the evening, after dinner at five o'clock, I went up to my room and got my revolver out and carried it in my pocket. This was either Wednesday or Thursday, I do not remember which, but I think it was Thursday night. He went out riding



THE PHYSICIANS HOLDING A CONSULTATION.



THE CROWD READING THE BULLETIN IN FRONT OF THE WHITE HOUSE,

that night. I was in Lafayette Park opposite the White House watching for him, and about half-past six the White House carriage drove up to the White House and waited a few moments, and the President and some gentleman, and a young man eighteen or twenty years old, whom I presume was the President's son, got into the carriage. The young man sat with his back to the driver and the President and his gentleman friend (whoever he was) sat on the back seat.

"They drove out the entrance nearest the Treasury Building and passed right along the east side of Lafayette Square toward the Arlington. They drove down by the Arlington and out on Vermont Avenue. I walked out of the park pretty rapidly and I saw them from the corner of the park. I went out on the street on the east side of the square and I looked and saw they were going down Vermont avenue. I hung around the park about half an hour or so, and they did not return and it was very warm, and I concluded to let the matter drop for that night, so that, after sitting in the park for some time, I went as usual to my home and went to bed. I went to the Riggs House and took a room in the afternoon of Thursday, and the event mentioned in this preceding talk happened, I am quite certain, on Thursday night; it was either on Wednesday or on Thursday, I am not positive which, but my impression is that it happened on Thursday night. On Friday night after I got my dinner at the Riggs House I went up to my room and I took out my revolver and I put it in my hip pocket and I had my papers with me, and I thought I possibly might get a chance at him Friday night. I went into Lafayette Square and sat there, opposite the White House."

IN THE SHADOW OF DEATH.

"I had not been there a minute before I saw the President walk out of the White House. 'Now,' I thought to myself, 'I have got a splendid chance at him; he is all alone; there isn't any one around him.' He walked along the east side of the square and down H street. I followed

him. He went to Mr. Blaine's house, on Fifteenth street. He walked along and when he got on the sidewalk opposite Mr. Blaine's house he looked up, as if he did not know the place exactly, and then he saw the correct number and walked in. I followed him along and I was about half way between H street and Mr. Blaine's house, on the opposite side of the street, when he entered the house. I went into the alley in the rear of Mr. Morton's house and got out my revolver and looked at it and wiped it off and put it back into my pocket. I went over to the H street stoop, at Wormley's, and I waited there half an hour, I should say, for the President to come out. He came out and Mr. Blaine with him and I waited at Wormley's until they passed by me on the opposite side. They walked down H street and on the east side of Lafayette Square and through the gate nearest the Treasury Building and into the White House. Mr. Blaine and the President seemed to be talking with the greatest earnestness. Mr. Blaine was on the left side of the President as they walked along the street. Blaine's right arm was looped in the President's left arm and they were engaged in the most earnest conversation; their heads were very close together. Blaine was striking the air every few moments and the President was drinking it all in: and occasionally the President would strike out his hand, thereby giving assent to what Mr. Blaine was They seemed to be in a very hilarious state of mind and delightful fellowship and in perfect accord.

"This scene made a striking impression on me; it confirmed what I had read in the papers and what I had felt for a long time—to wit, that the President was entirely under Mr. Blaine's influence and that they were in perfect accord. I may have remained in the park perhaps half or three-quarters of an hour, and then I went down to my room at the Riggs House. I took a towel bath in my room and went to bed and went to sleep. I woke up about four o'clock Saturday morning and felt well in mind and body. My mind was perfectly clear in regard to removing the President; I had not the slightest doubt about my duty to

the Lord and to the American people in trying to remove the President, and I want to say here, as emphatically as words can make it, that, from the moment when I fully decided to remove the President, I have never had the slightest shadow on my mind; my purpose has been just as clear and just as determined as anything could be. I believed that I was acting under a special Divine authority to remove him, and this Divine pressure was upon me from the time when I fully resolved to remove him until I actually shot him. It was only by nerving myself to the utmost that I did it at all, and I never had the slightest doubt as the Divine inspiration of the act, and that it was for the best interest of the American people."

NEARING THE END.

"Having heard on Friday from the papers, and also by my inquiries of the doorkeeper at the White House, Friday evening, that the President was going to Long Branch Saturday morning, I resolved to remove him at the depot. I took my breakfast at the Riggs House about eight o'clock. I ate well and felt well in body and mind. I went into Lafayette Square and sat there some little time after breakfast, waiting for nine o'clock to come, and then I went to the depot and I got there about ten minutes after nine. rode there from the park in a 'bob-tailed' car. I left the car, walked up to a bootblack, got my boots blacked, and inquired for a man named John Taylor, whom two weeks before, I had spoken to about taking me out toward the Congressional Cemetery. They told me that Taylor's carriage was not there, and there were three or four hackmen there who were very anxious to serve me, and finally I noticed a colored man, and I said to him, 'What will you take me out to the Congressional Cemetery for?" He says, 'Well, I will take you out there for \$2.' 'All right,' said I, 'if I want to use you I will let you know.' At that these other hackmen were pressing me to get my business, and I said to them, 'Keep quiet; you are too fast on this,' and I told this colored man privately that if I wanted his services I would let him know in a few minutes.

"I then went into the depot and took my private papers which I intended for the press (including a revised edition of my book, 'The Truth, a Companion to the Bible'), and stepped up to the news stand and asked the young man in charge if I could leave those papers with him a few moments, and he said, 'Certainly;' and he took them and placed them up against the wall on top of some other papers. This was about twenty minutes after nine, and I went into the ladies' waiting room and I looked around, saw there were quite a good many people there in the depot and carriages outside, but I did not see the President's car-

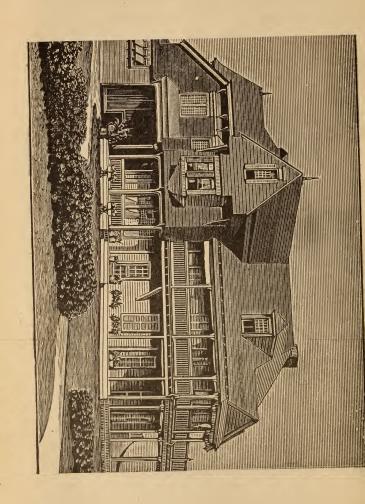
riage.

"I examined my revolver to see that it was all right, and took off the paper that I had wrapped around it to keep the moisture off. I waited five or six minutes longer, sat down on a seat in the ladies' room, and very soon the President drove up. He was in company with a gentleman who, I understand, was Mr. Blaine, and I am satisfied that he was Mr. Blaine, although I did not recognize him. gentleman looked very old, and he had a peculiar kind of headgear on, that I did not recognize as that of Mr. Blaine. I am satisfied that it was Mr. Blaine, now that my attention has been specially called to it, because it was the same gentleman that I saw with the President the night before, and I know positively that that gentleman was Mr. Blaine. The President and this gentleman drove up in a plain single-seated carriage with one horse; this gentleman, I think, was driving. It was a single carriage—a single-seated top buggy. The President seemed to be in very earnest and private conversation with this gentleman, who evidently was Mr. Blaine, although at the time I did not recognize him as Mr. Blaine. They sat in the carriage I should see some two minutes; they had not completed their conversation when they reached the depot, and during the interview of two minutes they finished their conversation. During this time they were engaged in very earnest and private conversation, as I have said.

"The President got out on the pavement side and Mr.



DEATH-BED OF OUR MARTYRED PRESIDENT.



Blaine on the other side. They entered the ladies' room; I stood there watching the President and they passed by me. Before they reached the depot I had been promenading up and down the ladies' room between the ticket office door and the news stand door, a space of some ten or twelve feet. I walked up and down there I should say two or three times working myself up, as I knew the hour was at hand. The President and Mr. Blaine came into the ladies' room and walked right by me; they did not notice me as there were quite a number of ladies and children in the room."

HOW THE PRESIDENT FELL.

"There was quite a large crowd of ticket-purchasers at the gentlemen's ticket office in the adjoining room; the depot seemed to be quite full of people. There was quite a crowd and commotion around, and the President was in the act of passing from the ladies' room to the main entrance through the door. I should say he was about four or five feet from the door nearest the ticket office, in the act of passing through the door to get through the depot to the cars. was about three or four feet from the door. I stood five or six feet behind him, right in the middle of the room, and as he was in the act of walking away from me I pulled out the revolver and fired. He straightened up and threw his head back and seemed to be perfectly bewildered. He did not seem to know what struck him. I looked at him; he did not drop; I thereupon pulled again. He dropped his head, seemed to reel, and fell over. I do not know where the first shot hit; I aimed at the hollow of his back; I did not aim for any particular place, but I knew if I got those two bullets in his back he would certainly go. I was in a diagonal direction from the President, to the northwest, and supposed both shots struck."

THE ARREST.

"I was in the act of putting my revolver back into my pocket when the depot policeman seized me and said, 'You

shot the President of the United States.' He was terribly excited; he hardly knew his head from his feet, and I said, 'Keep quiet, my friend; keep quiet, my friend. I want to go to jail.' A moment after the policeman seized me by the left arm; clutched me with terrible force. Another gentleman—an older man, I should say, and less robust—seized me by the right arm. At this moment the ticket agent and a great crowd of people rushed around me, and the ticket agent said, 'That's him; that's him;' and he pushed out his arm to seize me around the neck, and I says, 'Keep quiet, my friends; I want to go to jail;' and the officers, one on each side of me, rushed me right off to the Police Headquarters, and the officer who first seized me by the hand says, 'This man has just shot the President of the United States,' and he was terribly excited. And I said, 'Keep quiet, my friend; keep quiet; I have got some

papers which will explain the whole matter.'

"They held my hands up—one policeman on one side and one on the other-and they went through me, took away my revolver and what little change I had, my comb and my toothpick, all my papers, and I gave them my letter to the White House; told them that I wished they would send that letter to the White House at once, and the officer began to read my letter to the White House, and in this envelope containing my letter to the White House was my speech 'Garfield against Hancock.' He glanced his eye over the letter and I was telling him about sending it at once to the White House to explain the matter and he said, 'We will put you into the White House!' So I said nothing after that. They took me around a little dark place and put me into a cell; they locked the door and went off, and I did not see any one for ten minutes, and then one or two parties came and took a look at me; they were policemen and detectives and said, 'I don't know him; I don't know that man; never saw him before.'

"I waited a few minutes longer and a gentleman came—a detective, who proved to be Mr. McElfresh—and he was very polite and attentive. I told him in brief who I

was and why I did it; that I had some papers at the news stand; that I wished him to get those papers and take them up to Byron Andrews and his co-journalists; that the papers would explain all about the matter. I also told him that I wished to go to the jail at once, and he came in and put the handcuffs on to me. There were five or six policemen and detectives with him when he came in to see me, and he went away and came back in a few minutes and said that they had decided to take me right to jail, and I said, 'That is just what I want.' And he and his brother officers took me right out into the room and down the stairs and into a carriage, and he and three other policemen got in and drove me rapidly to the jail. I met Mr. Russ, the deputy warden. McElfresh told him that I had shot the President of the United States, and he assigned me to cell No. 2, and I have been there ever since, except when I have been to the warden's room to be interviewed by a correspondent of the New York Herald,"

PURCHASE OF THE REVOLVER.

Guiteau bought the revolver before the President went to Long Branch. "I called at O'Meara's, corner of Fifteenth and F streets, opposite the Treasury, about two or three weeks before the removal. I stepped up to the showcase and said, 'Let me look at that.' I saw it was a large bore, and he pulled it out. I saw it marked 'British Bull Dog,' and saw that it was an unusual revolver, and he said, 'That will kill a horse,' or something to that effect. There were two just alike, except that one had an ivory handle for \$10, and the other a plain wooden handle for \$9; I got the best one for \$10. I was very timid in holding it. I knew nothing about weapons at all; I looked at it in an unsophisticated way, snapped it, and I said, 'That will make a good noise,' and he said, 'Oh, yes, that will kill a horse;' he said, 'I never want a bullet like that in me.' I said, 'Perhaps I may get that some of these days.'

"Three or four days afterward I stepped in there and selected the revolver with the ivory handle and got a box

of cartridges and a little penknife, and he said he would give me the entire purchase for \$10. I did not have the money when I first went in; I got it from a gentleman in the interim. He loaded the revolver and said, 'Put that right into your pocket.' Said I, 'Is there any law here against carrying a revolver?' He said, 'Yes; there is, but they don't enforce it except against drunken people.' Where can I shoot this?' says I. He says, 'Well, you can go down to the foot of Seventeenth street and fire it off into the river.'

"In the course of two or three days (I remember it was the Saturday night after I bought it) I went down about seven o'clock in the evening and I shot it off twice, that is I shot off ten cartridges. At the first shot I was about ten feet from a sapling three inches in diameter, that was stuck into the mud, and I pulled and struck the sapling and it trembled like a leaf and it made a fearful hollow; I was terribly excited at the noise and power of the weapon; thought I, 'That is a terrible weapon;' it hollowed like a little cannon; it startled me. I fired ten shots, and they went off with tremendous effect every time; it made a terrific noise. One or two men came around, hearing the report, and on the way back I noticed a colored woman and several other people. 'Did you hear that noise?' They said, 'Oh, yes; it made a terrible noise.'

"I went down again the Saturday morning that I intended to remove the President when he went to Long Branch and Mrs. Garfield deterred me. I got up about half-past four that morning and I went right down to the same place. I got down there about five o'clock. It was a bright, splendid morning I remember, and I shot it off twice, using ten cartridges. It made a terrible noise, as usual. Those are the only times that I have practised with a revolver. I then took it to the house and wiped it nicely and took the cartridges and rubbed them off, and I loaded it and put it into my drawer in my room, and it was in that condition when I used it on the President. I took great pains; put it in my coat and wrapped it up nicely, so



REMAINS OF OUR ASSASSINATED PRESIDENT LYING IN STATE IN THE ROTUNDA OF THE CAPITOL AT WASHINGTON



THE CATAFALQUE IN HONOR OF OUR MARTYRED PRESIDENT.

that no moisture could get to the powder, in order that it would be in a nice condition when I wanted to use it. I took it out several times and carried it in my hip pocket; but it was not fired off after that until I used it on the President on Saturday, July 2."

VISITS TO THE WHITE HOUSE.

"During the time that I was pressing my application for the Paris consulship I called at the White House several times. I handed my eard to the doorkeeper and he would take it in to the President. The reply came back on several occasions—'Mr. Guiteau, the President says that it will be impossible for him to see you to-day.' I understood by the President's statement that he could not see me to-day—and that was the statement that he sent me through his doorkeeper several times—because he was trying gracefully to get rid of Walker, the present Consul. In one of my notes to the President I asked him directly, 'Can I have the Paris consulship?' and the reply, as usual, came back, 'Mr. Guiteau, the President is very busy and cannot

see you to-day.'

"These interviews occurred several days apart-sometimes a week apart: they all occurred during the time that I was pressing my application for the Paris consulship. The case was pending at the time I shot the President, and, as I have before stated, I confidently expected a favorable answer when they had got rid of Mr. Walker. I understood, by the President's statement that he could not see me, that he was trying in some way to get rid of Walker gracefully, and that as a matter of fact he intended that I should have it. My getting or not getting the Paris consulship had nothing whatever to do with my shooting the President; I shot him purely as a political necessity, under Divine pressure; and it was only by nerving myself to the utmost that I shot him anyway. If he should recover and I should meet him again I would not shoot him; and now I leave the result with the Almighty. In case the President had said that I could not have the Paris consulship I

intended to go to New York or Chicago and open a law office and let politics go."

A LEGAL VIEW OF THE ASSASSINATION.

"I shot the President without malice or murderous intent. I deny any legal liability in this case. In order to constitute the crime of murder two elements must co-exist. First, an actual homicide; second, malice-malice in law or malice in fact. The law presumes malice from the fact of the homicide; the degree of malice depends upon the condition of the man's mind at the time of the homicide. If two men quarrel and one shoots the other in heat or passion the law says that is manslaughter. The remoteness of the shooting from the moment of its conception fastens the degree of malice. The further you go from the conception to the shooting the greater the malice, because the law says that in shooting a man a few hours or a few days after the conception the mind has a chance to cool and, therefore, the act is deliberate. Malice in fact depends upon the circumstances attending the homicide. Malice in law is liquidated in this case by the facts and circumstances, as set forth in these pages, attending the removal of the President. I had none but the best of feelings, personally, toward the President; I always thought of him and spoke of him as General Garfield.

"I never had the slightest idea of removing Mr. Blaine or any member of the administration. My only object was to remove Mr. Garfield in his official capacity as President of the United States to unite the Republican party and save the Republic from going into the control of the rebels and Democrats. This was the sole idea that induced me to remove the President. I appreciate all the religion and sentiment and honor connected with the removal; no one can surpass me in this, but I put away all sentiment and did my duty to God and to the American people."

INTERVIEW WITH MR. CONKLING.

The fourth chapter in Guiteau's autobiography contains

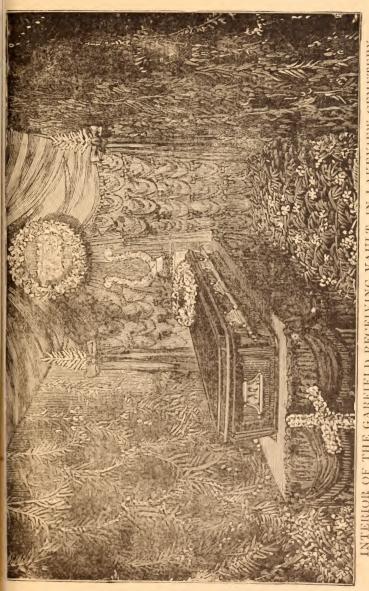
little that is of interest. He gives his impressions of men in public life whom he casually met; whom he bored for office or money. His speech, "Garfield against Hancock," he used everywhere as his letter of introduction. If a publie man failed to recognize him out came the speech. He tells how he was snubbed by Mr. Conkling, whom he styles "My Lord Roscoe," and who always seemed to him to be on his "high horse." Mr. Jewell was always affable and appeared to like him. Mr. Blaine he met two or three times at the State Department. He describes one interview in the first week of March. "I gave Mr. Blaine my speech headed 'Garfield against Hancock,' and he immediately recognized me and brightened up and was very clever to me. I met him in the elevator one day about that timeprobably a week later-and he was very cordial and said he remembered me, and seemed to be very glad to see me. My standing with Mr. Blaine ran along in this free and familiar way until he told me one day that he did not think the President would remove Mr. Walker. Since that I have not seen him." Mr. Conkling he saw one day in the Vice President's room at the Capitol. The ex-Senator was in conversation with a gentleman. "I sat within a few feet of him," says Guiteau, "on the sofa. I eyed him and he eved me and when he got through with his friend I stepped up to him and said, 'Good morning, Senator,' and he said 'Good morning.' I said, 'I hope to get an appointment, Senator, and I hope when the matter comes up you will remember me,' and he simply said, 'perfectly,' and I bowed and he bowed and we parted."

LOOKING FOR A WIFE.

In bringing his autobiography to an end he says, "And now I speak of two matters stric ly personal. First, I am looking for a wife and see no objection in mentioning it here. I want an elegant Christian lady of wealth, under thirty, belonging to a first-class family. Any such lady can address me in the utmost confidence. My mother died when I was only seven, and I have always felt it a great privation to have no mother. If my mother had lived I never should have got into the Oneida Community, and my life, no doubt, would have been happier every way. Nearly three years after I left the Community I was unfortunately married. At last I made up my mind that I would sever the bonds, and I was divorced in 1874. I am fond of female society, and I judge the ladies are of me, and I should be delighted to find my mate."

PRESIDENTIAL ASPIRATIONS.

"The second" subject in which he desires to take the public into his confidence refers to the Presidency. "For twenty years," he writes, "I have had an idea that I should be President. I had the idea when I lived in the Oneida Community, and it has never left me. When I left Boston for New York, in June, 1880, I remember distinctly I felt that I was on my way to the White House. I had this feeling all through the canvass last fall in New York, although I mentioned it to only two persons. My idea is that I shall be nominated and elected as Lincoln and Garfield were—that is, by the act of God. If I were President I should seek to give the nation a first-class administration in every respect; I want nothing sectional or crooked around me. My object would be to unify the entire American people and make them happy, prosperous, and God-fearing."



INTERIOR OF THE GARFIELD RECEIVING VAULT, IN LAKEVIEW CEMETER)



THE FUNERAL CAR ENTERING LAKEVIEW CEMETERY.

LIFE AND TRIAL

OF

CHARLES J. GUITEAU.

CHAPTER I.

Guiteau in his Cell.—Preparations for the Great Trial.—The Plea of Moral Insanity—The Assassin at the Bar of Justice.—Extraordinary Scenes in Court.—Differences between the Prisoner and his Counsel.—Strange Conduct of the Accused.—A Statement of Guiteau.—Final Completion and Qualification of the Jury.—Demeanor of the Prisoner.—An Appeal to the Members of the Bar of America for Assistance.

THE general interest for months before the trial centred on the assassin. His attorney, Mr. Scoville, it was said, would plead that Guiteau could not be held responsible for his heinous crime on account of moral insanity. It was safe to say beforehand that the question of moral insanity would be fully considered in a manner more defined and satisfactory than had ever been done by a United States court. Guiteau's counsel relied upon this defence, and it was but reasonable to expect that they would endeavor to have this subject presented in all its bearings.

Guiteau himself was opposed to any defence on the ground of insanity. He spent his time in prison reading the newspapers given to him by Mr. Scoville and in

studying his own book, Truth: A Companion to the Bible, the pages of which he read and re-read apparently with deep interest. One day Mr. Scoville visited the jail, and found Guiteau with the book in his hand. Guiteau called his attention to the passage which reads:

"For thirty years on bank and on sea, in daily exposure to death, Paul knew neither interruption nor decay."

"Listen to that. It is my case exactly," said Guiteau.
"My experience in lecturing was the same as Paul's, but mine did not have the same effect as his. Like Paul, I was hungry, and had to undergo a great many privations."

Before, he had been averse to saying anything about his lecturing-tours; that day, however, he spoke at length about them. He said his lectures had not been successful because the people were not far enough advanced to comprehend his ideas. It was wonderful, he said, that his book had not been adopted and taken hold of just like the Bible. He considered it a work of force and genius. He mentioned twenty places where he had lectured, but only at one or two were the people sensible enough to appreciate his lecture. Although he had previously devoted much time and study to religion, it was not until Moody and Sankey held meetings in Chicago that he began to lecture. Being an usher at the meeting-places, he concluded he was equal to either Moody or Sankey; and the result was that he abandoned the law-business and went into that of theology. According to his statement, he first lectured at Evanston; thence he visited and lectured at Racine, Milwaukee, Kalamazoo, Ann Arbor, Detroit, Toledo, Cleveland, Buffalo, Rochester, Syracuse and Albany. He next lectured in New Jersey, Massachusetts, Connecticut and New York City, whence he came to Washington.

Most of the time while here he was selling his lectures among church-going people and employés in the departments. He said he had no trouble in selling his books at twenty-five cents; that few persons asked him much about the work, and he realized seventy-five dollars from this source in Washington. He next visited and lectured in Baltimore, Philadelphia and Boston. He came back through New York, Syracuse and Niagara Falls, and visited Wisconsin. After leaving Milwaukee and visiting his father at Freeport, Ill., he lectured in Rock Island, Davenport, Dubuque, Beloit, Janesville and Watertown. Returning to Milwaukee, he opened a law-office and made some money. He soon went to St. Louis, where he remained some time selling his books, and he also lectured in different towns in Missouri. Thence he went to Chicago, where he solicited for two life-insurance companies and made enough money to buy a suit of clothes. He started immediately for Boston, where he remained a few months and then proceeded to New York to take part in the campaign.

Guiteau's subsequent career is too well known to require more of his statement. He related several incidents of his journeys, and says that he was enabled to travel from Toledo, Ohio, to Albany, N. Y., without paying any fare.

"How did you manage it?" he was asked.

"Easy enough," said Guiteau. "When the conductor would come around and ask me for my ticket, I would just tell him I was a theologian lecturing for the Lord. These conductors are very clever fellows, and are generally Christians. I travelled free until once I was on a train going into Newark. Although I told the conductor I was lecturing for the Lord, he said I would have to pay. As

I had no money, he told the brakesman to turn me over to an officer at the next station. As soon as the conductor left the car, and the brakesman went to fix the fire in the stove, I went out on the platform, and after getting down on the lowest step let go. I did not think it would hurt me, but it shook me up and tore my coat when I struck the ground." Guiteau said the train was running thirty miles an hour when he jumped off, but he was determined not to be turned over to a policeman.

Guiteau had been a member of the notorious Oneida Community, which he left in consequence of a quarrel between him and Noyes, the chief of the order. Shortly after that he issued the following circular against the Community:

"Whereas the Oneida Community is among the most spiritual and social despotisms of this nineteenth century; and whereas in social matters they are constantly violating the most sacred laws of God and man; and whereas for the sake of ruined and oppressed women, and for the good of society at large, said Community ought to be 'cleaned out.' Therefore let all good people frown upon such outrageous practices; let merchants refuse to deal with them; let the press, bench and pulpit denounce with righteous indignation such a terrible despotism, remembering them that are in bonds as bound with them. Let the religious and moral sentiment of the nation be awakened at such gross licentiousness; let the proper civil officers at once commence criminal proceedings against the leaders of that Community to the end that it may be 'wiped out' and the dignity of the law vindicated.

"Reader, What say you? Shall it be done? Stand to

your convictions, and it will be."

According to Guiteau's statement, he worked in the Oneida Community for some time and let Noyes have the use of his money, amounting to about six hundred dollars. After realizing the true character of the Community and the practices—which he terms horrible—among them, he concluded to abandon their society. Noyes refunded his money, but refused to allow him any interest or to give him anything as compensation for the work he had done. This irritated Guiteau, who instituted suit to recover what he says was due him and unlawfully withheld by Noyes. It was at this time he published the above circular, but was induced to drop the contest.

On the 28th of March, 1868, Charles Guiteau wrote a letter from New York City to his sister in Chicago, and among other things said:

"I don't know when my claim against the Oneida Community will be settled. I sent them a formal statement of account, but they thus far refuse to recognize it. I have not the means to litigate the claim, and if I had, I don't know as I should do it.".

In concluding his letter Guiteau gave his address, "Care Young Men's Christian Association, No. 161 Fifth Avenue, New York City."

The above characterizes the assassin more than anything else.

The Government was active to break down the insanity defence of the accused. Physicians were employed to visit the jail and examine Guiteau's mental and physical condition; and, as the assassin was always anxious to converse, there was little difficulty in the matter. Guiteau willingly subjected himself even to an examination of his body.

In the mean time, Guiteau and his attorney, Mr. Scoville,

made extensive preparations to meet the charges brought against him. It was necessary to procure money, and Guiteau left no stone unturned, and even went so far as to address to President Arthur a letter asking for money with which to defend himself in his coming trial. based his plea on the ground that, had it not been for his terrible act, Mr. Arthur would never have become President. On the part of the public Guiteau met with a decided lack of disposition to contribute to his needs. The counsel for Guiteau in the mean time prepared a hypothetical case for the experts who were to testify on the question of Guiteau's insanity. The parts covered three points: first, the evidences of insanity in the Guiteau family; second, the evidences of insanity as developed in the assassin's eventful history; third, the evidences of insanity in Guiteau's actions just prior to the shooting of President Garfield, his utterances after the deed, and his communication to his counsel and the public press.

The criminal court-room was, after the sudden close of the Star-Route trial, prepared for the famous trial of Charles J. Guiteau. The space without the rail was floored over as an amphitheatre, where spectators, admitted by card, could witness the proceedings.

The great trial began on Monday, the 14th day of November. On that day a correspondent of the New York *Herald* wrote as follows of the scenes and incidents of the first day of this famous trial:

By a hurried drive of the van Guiteau was carried from the jail to the court-building at half-past eight o'clock this morning. This precaution did not disappoint the public, for, strange as it may seem, there has been but little interest manifested here in the trial, which began at ten o'clock this morning, Judge Cox presiding. Possibly four hundred persons were present in the court-room, which was crowded to its full capacity, many of the spectators standing on chairs in order to get a sight of Guiteau, whose handcuffs had been removed as soon as he was brought to the chair in front of the table where his counsel sat.

There was the usual scramble for front seats by the crowd, the personnel of which hardly differed from that usually seen in a criminal court where any case involving local or public interest is being tried. Larger and probably more enlightened audiences have often been seen in the courtrooms of New York. A noticeable feature of the gathering in the court-room was the unusually large number of young persons. There were not over twenty colored persons among the spectators. A dozen or more ladies, including Mrs. Scoville, sister of the prisoner, were in the court-room. There was a marked absence of prominent lawyers, and but few men of note outside those engaged in the trial were present. Horatio King was among the spectators, and Mr. Smith, Assistant Attorney-General, was present as advisory counsel to the prosecution.

The District Attorney, Mr. Corkhill, Judge Porter of New York, and Mr. Davidge of New York, who represent the Government in the prosecution, and Mr. Smith had seats to the left of the table, facing the Judge. Next were the counsel for the accused—Mr. Robinson of Washington, and Mr. Scoville of Chicago. Immediately to Mr. Robinson's right sat the prisoner. By his side were his sister, Mrs. Scoville, and then his brother, John Wilson Guiteau of Boston. Between the attorneys' table and the railing to the forum were those set apart for the press. On either

side and immediately in the rear were seats for the local Bar. Farther to the rear was the platform on which seats were arranged for the general spectators.

As soon as the main door opened there was a general rush for seats, men climbing and pulling over chairs in their haste to get a good position whence they could hear the proceedings and better observe the actors. Outside of the building there was a comparatively small crowd anxious to get within, which was impossible, as there was not standing-room in the Court. Along the halls of the building were detectives, policemen and special officers.

At the proper time Guiteau was brought into the courtroom by a deputy marshal and three policemen. There was a general murmur among the crowd, which for a moment had been silent with intense expectation, and many arose to their feet in order to get a good view of the prisoner. The drawling tones of the crier had scarcely died away when the jury-list was called. It was then Guiteau entered. His step was elastic and his manner nervous. His face evidenced fear in all of its features. His eyes gleamed and danced as if their owner were inspired with the utmost dread of some pending danger. He gave a quick but timid glance at the crowd, and then stood with his head downward. Immediately the handcuffs were removed, and Guiteau threw his black slouch hat on the table, at the same time taking his seat. Back of him were four officers. The change in the prisoner's features was now visible. After using his handkerchief he turned to the right and shook hands with Mrs. Scoville and his brother. With the former he engaged in earnest conversation for a minute, apparently unmindful of the gaze of those around him.

After his fright had subsided his face assumed a dull expression, characterized by a vacant stare, occasionally varied by a scowl. He gradually became more composed, and was for the first time seen to smile when Mr. Robinson began to speak. He paid especial attention to this lawyer. His brother gave no manifestation by act of the thoughts that busied his mind nor the feelings that were in his heart. Mrs. Scoville was pale yet composed. Her face was pitiably sad, and in her looks were marks of anguish deep and acute. Upon her, too, the eyes of the crowd were riveted, after they had rested upon the form of her unfortunate brother. Mr. Scoville also showed by the tone of his voice and the excitable quickness of manner that the occasion and the character of the trial were such as to enlist his own feelings beyond that generally entertained by an attorney.

The spectators were orderly and good-natured, doing nothing whatever to infringe upon the rules of the Court, except now and then to indulge in whispered conversation and laughter at the different occurrences.

The feature of the proceedings most surprising, and at the same time most generally discussed, was the statement by Mr. Robinson that he had not consulted with Mr. Scoville for several days. When Mr. Scoville interposed his objection to a continuance of the case, the fact was developed that Mr. Robinson had made the affidavit and selected additional counsel without Mr. Scoville's knowledge or consent. The result of this announcement was that Guiteau and his two lawyers tried to address the Court at the same time. The scene was dramatic in the extreme. Mr. Scoville was somewhat agitated; Mr. Robinson was cool and assured. Guiteau was excited, and spoke with quick, nervous rapidity. This caused the spectators to

first smile, and then to laugh. Many arose, as if moved by the impulse of an excitement, and others looked with a curious gaze, as if bewildered by Guiteau's statement and unable to comprehend his purpose or to solve the rationality of his remarks. Men peered over each other's shoulders, and a murmur like unto that when the prisoner first entered the room ran through the crowd. Here and there among the spectators was a scowl upon the face of some one, but the general expression of countenance betokened wonder, doubt and expectation of something even more startling than the wrangle of associate counsel and the interposition of their client.

Again and again did Guiteau arise to address the Court, and had to be seated by the officers, Judge Cox treating him with great courtesy, and at no time speaking harshly to the prisoner. When Guiteau peremptorily demanded that Mr. Robinson get out of the case and say no more, as he was anxious for his trial, many lawyers smiled and others began to discuss the prisoner's insanity. One gentleman, who had known him in Chicago, said the trial was a farce, and a writ de lunatico inquirendo should be the proper remedy for his case, as he regarded him crazy.

Owing to Mr. Scoville's objection, the case was not continued, and the selection of a juror from the panel of twenty-four began. In his remarks as to the qualification of jurors Judge Cox seems to have adopted the decision of the United States Supreme Court, which is in unison with the New York statute. The fact that the defence accepted five and challenged peremptorily only three out of the twenty-four jurors shows that Mr. Scoville will make good his statement in the *Herald*, that he desired good and intelligent men, and would not object to such though they

had formed and expressed an opinion. Of the twenty-four jurors examined, all save one, a mulatto ship-cook, had formed an opinion. Three said they were in favor of hanging the prisoner. One, a colored man, said his opinion was such that no amount of testimony could change him.

A good deal of merriment was caused by the interrogation and replies in the examination of jurors.

Of the five jurors selected, three are reported to be Democrats. One of the number is an ex-Methodist preacher. Three of them have never had a lawsuit, and none have ever served on a petit jury.

Owing to the liberal construction of the law and the desire of Mr. Scoville to go on with the case, it is probable that the remaining jurors will be secured from the seventy-five additional talesmen who appear in Court to-morrow.

During the proceedings Guiteau was persistent in urging his brother to publish in the *Herald* the speech which is given farther on.

After the Court adjourned about two hundred persons, nearly half of whom were colored, remained in front of the court-building to see the prisoner come out. Guiteau was quickly escorted to the van, and after being locked in the vehicle sped rapidly to the jail. There was a good deal of comment among persons in the crowd, which was not composed of the better and more intelligent class of citizens. One man was heard to say:

"There he goes, the villain! A pistol in a thief's hand will do as much work as one in a murderer's hand. I wish I could get a chance at him.—Wait until to-morrow and you will see what a crowd there is here to receive you. We did not know you would be here to-day."

Another individual declared that Guiteau was not insane

and ought to be hanged. One man said he ought to be hung, because he has put the Government to so much expense. An aged colored man said: "The only way to try this man's life is to submit it to the vote of the people throughout the country. This is the only way to tell whether he should be hung."

There is every indication that public sentiment in Washington is strongly and decidedly in favor of a fair trial and a thorough investigation of everything appertaining to the questions that are likely to be raised.

Guiteau had a copy of his book with him in Court today, and was anxious that certain passages which he had marked be printed with his speech. The speech he prepared, like the remarks he made in Court, indicates that his intellectual faculties are subject to his feelings, and that he is either affectedly or really unable to arrange his ideas in proper form, and his statements are tumbled together in disorder.

Another correspondent describes the proceedings of the first day of the trial, as follows:

At ten o'clock precisely the Judge, Walter S. Cox, entered the court-room, and the Court was declared formally opened by the crier, in the old Norman form. Immediately thereafter the prisoner Guiteau was brought into the court-room by the Marshal and his deputies.

He looked in much better condition physically and otherwise than when he last appeared in the same room to plead to the indictment. Still, he had the same restless, furtive expression—as of a hunted wolf—which characterized him before. He was at once relieved of his handcuffs, and he took his seat beside his sister.

One of his first movements was to thrust his hand into one of his pockets and half take out a roll of paper. Mr. Scoville, however, in dumb play, ordered him to put it back, and he did so.

District Attorney Corkhill, as soon as the Court was called to order, stated that the Government was ready to proceed with the trial of Charles J. Guiteau.

Mr. Robinson rose and said that when he had been assigned to this case neither of the eminent counsel now assisting in the prosecution had been retained by the Government. At the time referred to also a gentleman in Chicago had been expected to assist in the defence. Shortly afterward it had been stated that he would not be able to be present. The presence of the able counsel whose services the Government had been able to command, whatever other advantages it might possess, did not make him (Robinson) feel more satisfied with the condition of the defence. It would be truly remarkable if he were not very sensible of the great disparity of force which had been created by the addition to the prosecution. A few days ago His Honor had been kind enough to express his regret that he had not been at liberty to accede to his request for an extension of time, and had suggested that he could assign the defence additional counsel. As soon as it had been in his (Robinson's) power he had sought the aid of such additional counsel. He had applied to a well-known member of the District Bar and laid before him the situation of the case, stating to him that it was absolutely imperative that he should have assistance. The gentleman in question has said that he did not see how he could at this time come into the case. He had then asked the gentleman whether he could do so in two weeks, and whether he would if he

was ordered to do so by the Court. He, therefore, was going to ask His Honor to give him the time necessary for the Court to make the order. It would be remarkable if in this case, in which he was practically alone, he would not have assistance. On the day of the prisoner's arraignment Mr. Scoville had stated that he was not familiar with the practice of criminal law. The relationship of that gentleman to the accused also disqualified him, in the estimate of many, from rendering that assistance which he (Mr. Robinson) required as an associate. For the fair trial of this man assistance was absolutely necessary. He had no other motive than to acquit himself faithfully to the profession. He had other grounds upon which to base his request for the delay. There were at least three material witnesses for the defence who were absent from this district, and could certainly not be here before the 1st of December. He would give the names of those witnesses to the Court, and he would make an affidavit of the fact if the prosecution required it. He then filed the affidavit to which he had referred, preferring doing that to reading it himself.

No sooner had Mr. Robinson taken his seat than the prisoner rose and in an excited manner addressed the Court, and stated that he wished to be heard. In vain Mr. Scoville endeavored to make him resume his seat and remain quiet. He was irrepressible. In a nervous but pretty distinct manner he proceeded with his speech as follows:

"I was not aware that my counsel, Mr. Robinson, intended this morning to make an application for postponement, and I desire to be heard in my own behalf in this matter at the very threshold of this case. I am charged here with a murderous attempt, and I desire to be heard in my own behalf."

The Court. This is not a proper time to enter upon the defence. The only question before the Court is whether further time should be allowed counsel to prepare for the defence.

The Prisoner (emphatically). So far as I am concerned, I do not want further time. We are ready to try this case now. (To a deputy marshal who endeavored to restrain the prisoner): Will you be quiet?

The Court. The question is whether further time ought to be allowed the counsel.

The Prisoner (persistently). I do not want that, if the Court please.

The District Attorney. The Government must insist, as far as it can, on this trial proceeding now. The Court will recollect that the Government, as represented by Your Honor, has extended to the defence all the courtesy, all the liberality, that could possibly be demanded by any prisoner. This crime was committed on the 21 of July last. The prisoner was arraigned on the 8th of October. He was at that time represented by counsel—by counsel of reputation, of ability—a gentleman fully able to take entire charge of the case, notwithstanding his relations to the prisoner. The time fixed for the trial on that occasion was fixed with the understanding that the trial was to proceed on that day. When the statement was made that the prisoner was unable to procure the attendance of witnesses, Your Honor not only ordered the processes of the Court to which the prisoner was exitled, but allowed him the same right as the Government had to have the expenses of his witnesses paid by the United States. The Government could never get to trial in a case of this importance if such reasons as are now alleged were regarded as sufficient for the continuance of a case. It may well be that with all

Mr. Robinson's ability he may shrink from taking the responsibility of going on with the case. Almost any lawyer would shrink, and prefer to have more time in such a case. But there are other interests which must be considered. A great crime has been committed. There is a public demand that if this prisoner be guilty he should be punished, and if not guilty that the jury should say so. Mr. Robinson says that he has consulted with an eminent gentleman whom he wishes to have associated with him, and who will give him an answer at some future time. That is a matter which could have been presented to Your Honor at the time that the trial-day was fixed.

The witnesses are here from great distances, and at great expense to the Government and to the great injury of their private business. No less than twenty witnesses have called upon me this morning begging to be relieved from attendance on the trial. They are here by process of the Court, in obedience to its order. They are here from all parts of the country as witnesses, both for prosecution and defence. A continuance of the case would do no good. It would accomplish nothing except the allowing of Mr. Robinson (as he says) to prepare his case properly. says that there are three important witnesses whose names he declines to divulge lest their publication might interfere with their coming. If, during the progress of the trial, it should be found that these witnesses are not here, the process of the Court can enforce their attendance without any trouble. We are ready this morning to proceed with the trial, and if an emergency should arise during the progress of the case requiring the compulsion of a witness's attendance, he can be brought here through the process of the Court.

Mr. Robinson. I will now swear to the affidavit, and

will give to the Court the names of three witnesses, from which the Court will see that it is impracticable to have them here now, but that they can be here in the course of the next three weeks. If I had it in my power to carry this case over to the next term, I would not want to do it. I wish it begun in this term, that a jury shall be obtained, and that we shall have a week before the trial begins. In asking for this assignment of counsel it will be obvious, as soon as I give the name of the gentleman, that I am asking for an auxiliary which will be accepted by this community as a guarantee (I trust I may say without presumption, an additional guarantee) of the character and integrity of this defence.

Mr. Robinson proceeded to the Clerk's desk and swore to the affidavit, which he then handed to the Judge. While he was thus engaged the prisoner (Guiteau) was making very active demonstrations toward another outbreak, but was restrained by Mr. Scoville and two deputy marshals, who were standing directly behind him.

Mr. Scoville then rose and said: "This is a proceeding which is at least peculiar if not unprecedented. It is very remarkable indeed that an application of this kind should be made and that I should have had no previous notice of it—that I should not even be permitted to see the affidavit which has been presented to the court."

Mr. Robinson. There is no earthly objection to your seeing it.

Mr. Scoville. Very well. Wait a moment. I say that this is an unprecedented proceeding. Your Honor is aware that I have been here six weeks, leaving my business at home at great disadvantage to myself, and solely

from a sense of personal duty which I could not shirk. have undertaken, in good faith, to prepare for this defence. I have my witnesses subpænaed and have done my best to be ready. I understand full well that I am not competent for a criminal trial of this kind. I supposed that, with the assistance of Mr. Robinson-who is competent, as I have understood—we could safely go to trial. I care nothing about prestige in this matter. I simply want to have what is done openly and in order. Personally, I am willing to confine my work to the subpænaing of witnesses. I seek no notoriety. I only ask that justice may be done and that the character of this man may be vindicated. I shall withdraw from the case if the defence is to proceed longer in this manner. I will give whatever information I have to counsel for the defence, and I will step out. I do not want to have this case continued, and the prisoner does not want to have it continued. I do not know the gentleman who Mr. Robinson says has been consulted. The fact, at least, should have been communicated to me. I have had no communication from Mr. Robinson for the last four days, although I have sought him. I certainly should have had conference with him at least with reference to the testimony and to the management of the case. I hoped for Mr. Robinson's assistance in this case, or, at least, I hoped to be permitted to assist him. If that cannot be done, I cannot help it. All that I have to say is that I am, in my feeble manner, ready for trial. I do not want the case continued. I do not want any further connection with the case unless, when a motion is to be made, I am advised of it long enough beforehand to know something about it. Unless the defence can go on harmoniously with me in it I will withdraw.

Guiteau again managed to get on his feet as Mr. Scoville sat down, and exclaimed, with a motion of his clinched fist,

"I endorse every word of that, and I tell Mr. Robinson that if he does not do this thing just as I want it done, he can get out of the case. That is short."

Mr. Robinson rose to address the Court.

Guiteau (persistently). I do not want to hear any more speeches of Mr. Robinson's. I want him to get out of the case. (To the deputy marshals, who are pulling him back into his seat): Let me alone. You have nothing to do with me here.

Mr. Robinson. I must express my unaffected regret that it should be supposed by Mr. Scoville that I intended any disrespect to him. I told him some time ago that I wanted assistance, and he knew, of course, that I wanted an extension of time. The Court will see the great delicacy which I had in regard to the name of the counsel whom I wish to have assigned. I had to see the gentleman and to press and urge him, and when I came into Court this morning I was fresh from an interview with this gentleman which justified me in making this application. I am very sorry not to have seen Mr. Scoville for the past two or three days, but it was only because I have been employed in preparing for the defence. I should have been happy to meet him. I did not intend him the least disrespect. I have thought very seriously over the matter, and I know that what I have asked is indispensable. I will give the name of the counsel as soon as I know that he can be assigned. I am sure that his assignment will strengthen the defence, especially where it most needs strengthening.

The Court. The trouble is, that I have no assurance that

at the expiration of the time mentioned this gentleman will go into the case.

Mr. Robinson. I give you my assurance that, if ordered by the Court, he will feel the obligation to accept the assignment.

The Court. There is this much to be said about this application: The time that was first fixed for the trial was a week sooner than the time asked by Mr. Scoville, and when Mr. Robinson was assigned to the case he was not granted, by a week, the extension of time which he asked. So that the present application is not for any longer time than was originally asked by Mr. Robinson. I feel very much the embarrassment of the question. It is important that this trial should proceed without delay, and I intend that it shall proceed without unnecessary delay. I intend, also, that the prisoner shall have a fair trial, and that the reproof shall not rest upon the Court that the prisoner was sent to the gallows without a fair trial in order to appease public indignation. My inclination is to allow a week's time to Mr. Robinson, which is the time originally asked by him. I shall assign the counsel of whom he has spoken to assist him, leaving that counsel to make his arrangements to come into the case (if he cannot do so sooner) in two weeks' time. I do not think that I should give any more indulgence than this, and I find embarrassment in giving that much.

Guiteau (escaping the control of the deputy marshals and getting to his feet). I do not want Mr. Robinson to act as my counsel.

Mr. Scoville rises and attempts to speak.

Guiteau persists in addressing the Court, and goes on: "I want to say, emphatically, that Mr. Robinson came

into the case without my consent. I know nothing about him, and I do not like the way he talks. I ask him peremptorily [pronouncing this word 'pre-emptorily'] to retire. I expect in some time to have money to employ any counsel that I please. I am not a beggar nor a pauper."

Guiteau was made to resume his seat, and Mr. Scoville said: "I do hope that the Court will consider to some extent at least my position in this case. The only near relatives of the prisoner here present are his brother and his sister, and they will endorse all that I say. In our opinion the prisoner is not a person fit to take charge of or to arrange or to dictate his defence. Those who are responsible for that defence are the persons whom I have named. It does seem to me that in the assignment of counsel at least the name of the person proposed should be communicated to some of us."

The Court. Of course it shall be.

Mr. Scoville. Yes, Your Honor, but I do not want it arranged until we know it in advance. I do not want Mr. Robinson or any other man to come in here and suggest the name of a counsel, and arrange with him, without the near relatives of the prisoner knowing the names or circumstances until it is too late.

Guiteau (again succeeding in eluding the efforts of the deputy marshals, and speaking very excitedly). I do not want Mr. Robinson in this case at all. I will not have him [emphasizing this with motions of his clenched fists]. That's peremptory [turning to Scoville]. I will not have him.

Mr. Scoville. Your Honor is aware that I came here unacquainted with a single member of the Bar with one exception—Mr. Merrick. I went to Mr. Merrick and asked

him whether he would accept an assignment by the Court. He said that his arrangements were such for several weeks that he could not do it. At the same time I understood from Mr. Merrick that if the trial could be fixed far enough ahead, so that he could attend to it consistently with his other engagements, he would take part in the defence. Now, if the case is to be continued from time to time for the accommodation or satisfaction of any one, can it not be for the accommodation and satisfaction of the nearest relatives of the prisoner? Again, when Mr. Merrick declined I applied to General Butler, whose reply was substantially the same as Mr. Merrick's. All this was done by authority of the nearest relatives, the responsible persons charged with the defence of the criminal. I am also informed authoritatively that General Butler will come into the case if he gets sufficient time to prepare for it. Which of the two would be better counsel for the prisoner-General Butler or the person proposed by Mr. Robinson unknown to me-I do not know. But I do know this: that General Butler is the choice of the prisoner's relatives and of the prisoner himself. If the matter is to be continued, let it be continued long enough, so that we can get such counsel as we want, and we will be prepared with counsel who will be fit to cope with the eminent counsel on the other side. We do not want the Court to assign counsel. We will employ counsel ourselves if the case be continued.

The Court. I hardly know what to do in the matter. I think, however, that if it is the desire of the prisoner and his relatives for the case to proceed, I shall allow it to go on now. After a jury is obtained and the testimony for the prosecution is put in, then if Mr. Robinson needs time to prepare his case I will give him time.

Guiteau (again getting on his feet). I peremptorily ask this honorable Court—

Before he could get any further the deputy marshals pulled him into his seat, in spite of his resistance and his telling them to mind their own business.

Mr. Scoville. I will not go into the empanelling of the jury until I know who is to be the additional counsel for the defence.

Guiteau here made an ineffectual effort to get to his feet again, but the deputy marshals kept him down, and he could only remonstrate with them and repeat the order that they should mind their own business.

The Court (decisively). Let the case be commenced to-day. Guiteau made another struggle to be heard, and the District Attorney asked the Court to direct Guiteau to take his

seat and to keep it. The Court gave that order.

Guiteau (obeying it). I will do what the Court says, but not what the gentleman [the District Attorney] says.

The Court. I will give Mr. Robinson whatever time I can give him to digest his case, and to endeavor to make an arrangement for assistance too. I think that he will have time to do so before the case for the prosecution is closed.

Mr. Robinson. I wish to make an explanation of what has occurred to-day. It was simply out of my power to avoid it. I have been industriously occupied in trying to get other counsel into the case. If I had met Mr. Scoville I would have spoken to him about it, but I could not anticipate that he would have objected to it.

Guiteau (again breaking in). We have a right, Mr. Robinson, to select our own help, and we do not want you; that is settled

Mr. Scoville. I am not going into the case until we have the name of the counsel it is now proposed to bring in. I will not put a question to a juror before knowing that.

The Court. No counsel can come into the case without your consent.

Mr. Scoville (resignedly). Very well.

Guiteau (again up). I say the same. (To the deputy marshals who were pulling him back): Can you not mind your own business? I am in the presence of the Court.

The District Attorney. Then I understand it to be the decision of Your Honor that the trial shall now proceed?

The Court. Yes; let the trial proceed, and when the testimony for the prosecution is in I shall endeavor to give counsel for the defence time to prepare their proofs.

The District Attorney. There is no objection to that.

The jury panel was then sworn, and the first juror, D. Lewis Blackford, took the witness-stand. Before questioning him as to whether he had formed an opinion about the case, Judge Cox stated that he desired to address a few observations to the jury.

"Under the constitution," he said, "the prisoner is entitled to be tried by an impartial jury. But an idea prevails that any impression or opinion, however lightly formed or feebly held, disqualifies from serving in the character of an impartial juror. This is an error. As the Supreme Court says: 'In these days of newspaper enterprise and universal education every case of public interest is almost as a matter of necessity brought to the attention of all the intelligent people in the vicinity, and scarcely one can be found among those best fitted for jurors who has not read or heard of it, and who has not some im-

pression or some opinion in respect to its merits.' If the prevalent idea I have mentioned were correct, it would follow that the most illiterate and uninformed people in the community would be the best qualified to discharge duties which require some intelligence and information. now generally, if not universally, agreed that such opinions or impressions as are merely gathered from newspapers or public report, and are mere hypothetical or conditional opinions, dependent upon the truth of the reports, and not so fixed as to prevent one from giving a fair and impartial hearing to the accused, and rendering a verdict according to the evidence, do not disqualify. On the other hand, fixed and decided opinions against the accused, which would have to be overcome before one could feel impartial, and which would resist the force of evidence for the accused, would be inconsistent with the impartiality that the law requires. There is a natural reluctance to serve on a case like this, and a disposition to seek to be excused on the ground of having formed an opinion, when in fact no real disqualification exists. But it is your duty as good citizens to assist the Court in the administration of justice in just such cases unless you are positively disqualified, and I shall expect you on your consciences to answer fairly as to the question of impartiality according to the explanation of it which I have given to you."

The panel was exhausted after five jurors had been obtained, and at the suggestion of the District Attorney an order was issued for the drawing of seventy-five additional names from the box, and, it having been agreed that the sittings of the Court should be from ten A.M. to three P.M. daily, allowing half an hour for recess, the Court at five minutes past one adjourned.

The following is the full text of Guiteau's address, which he desired to deliver in court on the first day of the trial, but was not permitted:

"If the Court please, I desire to address Your Honor at the threshold of this case. I am in the presence of this honorable Court charged with 'maliciously and wickedly murdering one James A. Garfield.' Nothing can be more absurd, because General Garfield died from malpractice. The syllogism to prove it is this: Three weeks after he was shot his physicians held a careful examination and officially decided he would recover. Two months after this official announcement he died. Therefore, according to his own physicians, he was not fatally shot. The doctors who mistreated him ought to bear the odium of his death, and not his assailant. They ought to be indicted for murdering James A. Garfield, and not me. But I have been indicted and must stand my trial for the alleged homicide. General Garfield was President of the United States, and I am one of the men who made him President. His nomination was an accident, his election the result of the greatest activity on the part of the Stalwarts, and his removal a special providence. General Garfield was a good man, but a weak politician. Being President, he was in a position to do vast harm to the Republic, and he was doing it by the unwise use of patronage, and the Lord and I took the responsibility of removing him. I certainly never would have sought to remove him on my own account. Why should I shoot him? He never harmed me. From him I expected an important office. I considered him my political and personal friend. But my duty to the Lord and to the American people overcame my personal feeling,

and I sought to remove him. Not being a marksman, he was not fatally shot; but incompetent physicians finished the work, and they, and not me, are responsible for his death. Nothing but the political situation last spring justified General Garfield's removal.

"The break in the Republican party last spring was widening week by week, and I foresaw a civil war. My inspiration was to remove the late President at once, and thereby close the breach before it got so wide that nothing but another heartrending and desolating war could close it. The last war cost the nation a million of men and a billion of money. The Lord wanted to prevent a repetition of this desolation, and inspired me to execute his will. Why did he inspire me in preference to any one else? Because I had the brains and nerve probably to do the work. The Lord does not employ incompetent persons to serve him. He uses the best material he can find. No doubt there were thousands of Republicans that felt as I did about General Garfield wrecking the Republican party last spring, and had they the conception, the nerve, the brains and the opportunity they would have removed him. I, of all the world, was the only man who had the conception. On the trial of my case I propose to summon some of the leading politicians of the Republican and Democratic parties, also the leading New York and Washington editors, to show the political situation and the perils which surrounded the Republic last spring. I propose to go into this branch of my defence exhaustively.

"Another reason the Lord inspired me to remove the President in preference to some one else is because he wished to circulate my theological work, *The Truth*. This book was written to save souls, and not for money, and

the Lord in circulating the book is after souls. By it he preaches the Gospel and prepares the world for their judgment, which some people think, and with reason, is not far distant. I have been delayed in getting out a new edition of this book, which will include a graphic narrative of my life, but I expect it will be issued shortly. More than one hundred witnesses have been summoned by the prosecution. Two-thirds of them I know nothing about, and the Court, I presume, will decide they are irrelevant.

"The issue here is: The Deity seems well disposed to father it thus far, and I expect he will continue to father it to the end. It is not likely he will allow me to come to grief for obeying him. How do you know it was the Deity? I was so certain of it that I put up my life on it, and I undertake to say the Deity is actively engaged in my defence. I am confident he will checkmate the wiseheads on this prosecution. I beg they go slow. They cannot afford to get the Deity down on them. 'He uttered his voice,' says the Psalms, 'and the earth melted.' This is the God whom I served when I sought to remove the President, and he is bound to take care of me. Recently a Washington newspaper lithographed a cramped piece of paper I had carried in my vest-pocket a week under the title of 'Guiteau's Plea.' It was written when I had the malaria at odd times, and I could hardly read it myself, and so told the gentleman I gave it to, but he thought he could read it, and took it, as he was in haste. I next heard of it as a lithograph. Owing to circumstances beyond my control, I have been forced to ask Your Honor to assign me counsel and furnish me witnesses. I formerly practised law in New York and Chicago. In 1877 I left a good

practice in Chicago and went out lecturing, but I had small success. I had ideas, but no reputation.

"My theological work, The Truth, contains 'My Theology.' It was written during a period of five years, and cost me a great deal of trouble, and I have no doubt but it is official. It left me in reduced circumstances, and I have had no chance to recuperate my finances since. I easily could have made \$5000 at the law in Chicago in 1877 and worked myself into a splendid position, but I had other work to do. As I know something about the law, I propose to take an active part in my defence. My brother-inlaw, George Scoville, Esq., of Chicago, is a true and active friend, but I disapprove of some of his movements in this case. Notably his mixing with 'Oneida Noves' for twentyfive years was the curse of my father's life, and for six years I lived under the despotism he wielded in the Oncida Community. I expressed my detestation of Novesism then. To-day John H. Noyes, the founder of the Oneida Community, is an American fugitive on British soil. Noves is a cold-blooded scoundrel. He has debauched more young women, broken up more reputable families and caused more misery by his stinking fanaticism and licentiousness than any man of this age. Had Noves had his due he would have been hanged thirty years ago for crimes committed with his own flesh and blood, and it would have been a godsend to a great many decent people if he had been. During my residence in the Oneida Community, I, like most of the men in that community, was practically a Shaker.

"Mr. Scoville is developing a theory of hereditary insanity which may have an important bearing on this case. Insanity runs in my family. My father had two sisters and a nephew and a niece in an insane asylum. He himself was a monomaniac for twenty-five years on the Oneida Community. He could see no evil in that concern, and no good out of it. He thought Noyes a greater man than the Lord Jesus Christ. He was rational enough outside of the Community idea. On that he was a lunatic. He would get greatly excited in discussing that, and look and act like a wild man. All this time he was a good business-man. He was cashier of a bank, and attended to his duties promptly and faithfully. It was owing to his fanaticism and insanity that I got into the Oneida Community when a boy. Once under Noves's influence, it was impossible to get away, and I lingered there in the greatest distress for six long and weary years. I was in the Community from 1860 to 1866. Since then I have known and cared nothing for them. One Smith, whom I knew there, has taken upon himself to write on this case, and among other silly and impertinent statements he says I was in the habit of connecting my name with the words 'Premier to England,' etc. These statements are false. My father was a frequent visitor at the Community, but never resided there. He wanted to go, but my stepmother opposed it. I wish this Oneida Community business to pass into oblivion.

"My ex-wife has been summoned by the prosecution. Our marriage was premature. I only knew her ten weeks, and we married on ten hours' notice. She was a poor girl. She had been unfortunate, and I had no business to have married her. We were married in 1869, separated in 1873 and divorced in 1874 without issue; was practising law then, and we lived at hotels and boarding-houses. I have known little about her since 1873. I understand that she married well four years ago, and is living in Colorado.

I have been strictly virtuous for six or seven years. I claim to be a gentleman and a Christian.

"I have been in jail since July 2. I have borne my confinement patiently and quietly, knowing my vindication would come. Twice have I been shot at, and came near being shot dead, but the Lord kept me harmless. Like the Hebrew children in the fiery furnace, not a hair on my head has been singed, because the Lord, whom I served when I sought to remove the President, has taken care of me. I have been kindly treated by the jail-officials, and have no complaint, save that my letters have been intercepted going out and coming in, and I have been cut off until recently from reporters and newspapers, which I consider illegal and impertinent. Certain parties, whom I need not name, have been greatly benefited financially by my inspiration, and I am going to ask them to contribute to my defence. I have no right or wish to ask my lawyers to work for nothing. There are hundreds of persons who are and will be benefited financially by the new administration. They are all indebted to me for their position, from the President down.

"I confidently appeal to them and to the public at large to send me money for my defence. The money can be sent quietly by express (withholding the name if you wish to) to George Scoville, Washington, D. C. It will be sacredly used for my defence. Certain politicians seem perfectly willing to fatten at the public crib on my inspiration, but they pretend to be horrified out of their senses by the late President's removal, and want nothing to do with me. They say I am 'a dastardly assassin.' The word 'assassin' grates on the mind, and yet some people delight in using it. Why am I an assassin any more than a man who shot another during the war? Thousands of brave boys on both sides

were shot dead during the war, but no one thinks of talking about an assassination. There was a homicide—i. e., a man was killed. But in my case the doctors killed the late President, and not me; so that there is not even a homicide in this case. The President was simply shot and wounded by an insane man. The man was insane in law, because it was God's act, and not his. There is not the first element of murder in this case.

"To constitute the crime of murder two elements must co-exist: 1. An actual homicide. 2. Malice—malice in law or malice in fact. The law presumes malice from the fact of the homicide. There is no homicide in the case, and therefore no malice in law. Malice in fact depends on the circumstances attending the homicide. Admitting that the late President died from the shot, which I deny as a matter of fact, still the circumstances attending the shooting liquidate the presumption of malice either in law or in fact. Heretofore political grievances have been adjusted by war or the ballot. Had Jefferson Davis and a dozen or two of his co-traitors been shot dead in January, 1861, no doubt our late rebellion never would have been.

"I am a patriot. To-day I suffer in bonds as a patriot. Washington was a patriot, Grant was a patriot. Washington led the armies of the Revolution through eight years of bloody war to victory and glory. Grant led the armies of the Union to victory and glory, and to-day the nation is happy and prosperous. They raised the old war-cry, 'Rally round the flag, boys, rally round the flag,' and thousands of the choicest sons of the Republic went forth to battle—to victory or death. Washington and Grant by their valor and success in war won the admiration of mankind. To-day I suffer in bonds as a patriot because I had

the inspiration and nerve to unite a great political party, to the end that the nation might be saved another desolating war. I do not pretend war was immediate, but I do say emphatically that the bitterness in the Republican party last spring was deepening and deepening hour by hour, and that within two or three years or less the nation would have been in a civil war. In the presence of death all hearts were hushed; contention ceased. For weeks and weeks the heart and brain of the nation centred on the sick man at the White House. At last he went the way of all flesh, and the nation was a house of mourning. To say I have been misunderstood and vilified by nearly the entire American press-nav, more, by nearly the entire American people—is a true statement. But Providence and time rightens all things, and to-day, by the gradual change of public opinion. I am justified in passing with landable contempt the continual venom of certain newspapers. Let the newspapers change from 'Guiteau the assassin' to 'Guiteau the patriot.'

"I appeal to the Stalwart and liberal press of the nation for justice. I appeal to the Republican party, especially the Stalwarts, of whom I am proud to be one, for justice. I appeal to the President of the United States for justice. I am the man that made him President. Without my inspiration he was a political cipher, without power or importance. I was constantly with him in New York last fall during the canvass, and he and the rest of our men knew that we had all that we could do to elect our ticket. Had General Hancock kept his month closed on the tariff or had the Morey letter been delayed a week, Hancock certainly would have been elected. Then no man could tell what would have happened to the Republic. I am

more than glad that President Arthur is proving himself a wise man in his new position, and I expect he will give the nation the finest administration it has ever had. I appeal to this honorable Court for justice. I am glad Your Honor is a gentleman of broad views, Christian sentiment and clear head. I count myself fortunate, indeed, that my case is to be tried before so able and careful a jurist. I appeal to the District Attorney and his learned associates for justice. I beg they go slow in prosecuting this case, that they do no injustice to the Deity, whose servant I was when I sought to remove the late President. At the last great day they and all men will stand in the presence of the Deity crying for mercy and justice. As they act here, so will be their final abode hereafter. Life is an enigma. This is a strange world. Often men are governed by passion, and not by reason. The mob crucified the Saviour of mankind, and Paul, his great apostle, went to an ignominious death. This happened many centuries ago. For eighteen centuries no man has exerted such a tremendous influence on the civilization as the despised Galilean and his great apostle. They did their work, and left the result with the Almighty Father.

"This speech was written in a cramped position in my cell."

When the van containing Guiteau arrived from jail on the 15th day of November, there were scarcely a hundred persons in front of the court-building. Along the route there was nothing noticeable, though here and there some person would gaze intently after the van, which drove by at a rapid gait. Two deputy marshals hung on the van, while two mounted policemen rode some distance in the rear. Upon reaching the building Guiteau was taken into the Marshal's office, where he remained until the Court opened at ten o'clock. The reporters, members of the Bar, and more prominent citizens who had been admitted took their seats. When the main door was opened the crowd made a general rush for seats on the platform, requiring the efforts of three officers to maintain order. Guiteau did not enter for ten minutes, during which time the spectators showed a good deal of expectation.

When the officers conducted Guiteau into the court-room the spectators exhibited as much curiosity to see him as was witnessed by the crowd on the previous day. There was no disorderly demonstration, though some confusion and talking, which the officers readily put a stop to. As Guiteau entered the door a deputy marshal jerked off the prisoner's slouch hat and dropped it on the table in front of his chair. J. Wilson Guiteau and Mrs. Scoville had previously taken seats at the table. The prisoner, upon reaching his place, put forward his manaeled hands, and the shackles were quickly removed by an officer.

Guiteau at once sank into his chair, wiped his mouth with a white handkerchief as he did yesterday, and began to arrange paper for writing, first nodding to Mr. Robinson, one of his counsel. As he was in the act of beginning to write Mrs. Scoville touched him lightly on the arm. Turning quickly his head, he seemed pleased to find his sister and brother present, and shook their hands. A deputy marshal approached Guiteau and told him he must remain quiet, as the conduct of the day previous would not be tolerated. Guiteau promised to comply with this demand. The prisoner was more cheerful in his appearance and not as much disconcerted as yesterday. He did not seem to be at all frightened, his face being calm and more intelligent in

its expression. In fact, his manner and entire look were so very different from the day previous that many noticed and commented upon the change. There was at least nothing to show a perturbed state of mind in either his expression or action. Outside of a little conversation with his sister and brother the prisoner did nothing to attract attention.

During the cross-examination of talesmen for the jury Guiteau several times requested Mr. Scoville to ask certain questions, and frequently made suggestions which he deemed absolutely necessary. He especially objected to any one as a juror who believed him insane, and insisted that Mr. Scoville should challenge any person who held such an opinion. He said that he did not wish this to be made an issue, but preferred the trial to be on the merits of the case. Mr. Scoville humored the whims of Guiteau, and whenever he accepted a juror consulted the prisoner before doing so.

Of the seventy talesmen drawn from the box the defence peremptorily challenged three and accepted four, one of the latter, Ralph Wormley, being a colored plasterer and formerly a well-known Republican politician in the District of Columbia. Of the above number the prosecution challenged one, three or four were excused, but the rest were disqualified by reason of their opinions, which, they said, would render it impossible for them to give the prisoner a fair and impartial trial. The cross-examination of talesmen by Mr. Scoville was conducted ingeniously and excellently. Nearly every person examined made some remark that caused general laughter, and even Guiteau smiled several times at the witty answers. John P. Buckley said he could not do the prisoner justice, and was therefore declared disqualified.

John Lynch, a white man, when asked by the Judge as to the character of the opinion he had formed on the matter, said:

"I think the prisoner ought to be hung or burnt. There is nothing in the United States to convince me otherwise."

Joshua Green said he was of the opinion that the prisoner should be hanged. This opinion was also expressed by a colored man, Alexander Peterson. John Judd, being called up, said he thought the prisoner should be hanged, as he had swindled him out of fifty dollars. William F. Poulton said his opinion was such that no amount of evidence could change it. He believed the prisoner ought to have a rope put around his neck.

A good deal of laughter was elicited by L. C. Bailey, a colored man, who in defining his opinion said he believed Guiteau was crazy. This caused Guiteau to laugh, as he seemed to receive it in the nature of sarcasm. Much amusement was caused by the answers of Mr. Dade, a typical colored gentleman of the old school. Dade wore a puffed-bosom shirt, and across his right shoulder hung carelessly a gray toga. With thorough composure of manner and a wooden toothpick in one corner of his mouth, he answered shrewdly and wittily every question propounded. He was the second colored man challenged on that day by the defence, the other being Mr. Howard, who was too ignorant to tell whether he had any opinion.

The four additional jurors accepted on the second day of the trial were Mike Sheehan, an Irish grocer, who says he has never worked for nor earned a cent from the Government; Samuel Hobbs, a native of Maryland, aged sixtythree and a plasterer by trade; George W. Gates, aged twenty-seven, a native of Washington and a mechanic in the Government navy-yard (Mr. Gates testified to-day that one of his uncles was insane), and Ralph Wormley, the colored plasterer already mentioned.

Immediately after the Court adjourned Guiteau was conducted to the Marshal's private office, where he conversed with Mr. Scoville, Mrs. Scoville and John Wilson Guiteau. When handcuffed and led out of the building to the van, Guiteau manifested much fear, as there was a considerable number of persons in the hallway and quite a crowd outside. As he passed through the crowd several jeers were heard, and Guiteau became nervous and excited. When the van-door was opened it was with difficulty that he could mount the steps, although there was no overt demonstration. Still, it needed only a good opportunity for some crank to try to kill Guiteau. Among those in the hallway was Bethard, who wanted to shoot Guiteau at the time he was arraigned. Going outside of the hall, Bethard said as Guiteau passed by,

"Oh, how I wish I had a pistol!"

The crowd clustered around the van until the horses were started, and then there were threats of vengeance loud enough to reach the ears of the trembling prisoner, who crouched in the dark vehicle. The horses were put out at full speed, and in a short time the prisoner was safely landed at the jail.

On the second day of the trial substantial progress had been made in empanelling the jury. The day closed with nine men in the box. The fact that only four jurors were accepted on that day out of a panel of seventy-five men showed how overwhelming was the proportion of those summoned who were either incompetent or unwilling to sit in judgment on the assassin. Nearly all expressed themselves as having fixed and unalterable opinions, while several declared that Guiteau ought to be hanged. Guiteau objected to being tried by "nigger jurors," though he was anxious to make an exception in favor of one who believed the assassin was crazy.

CHAPTER II.

Opening of the Case by the Government.—Opening Address of District Attorney Corkhill.—An Elaborate Statement of the Case.—Scenes and Incidents.—Disagreement between Counsel for the Defence.—Secretary Blaine on the Witness-stand.

On the third day of the trial the attendance was hardly different in size or appearance from that of Monday or Tuesday. As usual, the prisoner was conducted from the van to the Marshal's private office, where he remained until conducted handcuffed into the court-room.

Guiteau came in walking rapidly, a deputy marshal grasping him firmly by the shoulder, while three other officers followed the prisoner. As soon as the manacles were removed Guiteau had some words with Mr. Scoville, ending the whispered conversation by striking the table with his right hand. After that he shook hands with his sister, Mrs. Scoville, who sat to his right, and then began to read one of the several newspapers which he had brought with him from the Marshal's office. The prisoner's face wore a brighter color than upon any previous day. He seemed calmed and more composed in every respect than he had been heretofore during the trial. He appeared to take but little interest in the proceedings, but occupied the time in reading and writing. Occasionally he had something to say to his brother, and seldom would he speak to Mr. Scoville. Two or three times he suggested certain questions to Mr. Scoville as to

the qualification and seeming intelligence of talesmen who were examined for the jury. It was not until after the noon recess that Guiteau exhibited any violent feelings. When Mr. Scoville had told the Court that he had nothing to do with the address which had been published, nor with the paper which the prisoner had given out, Guiteau arose and asserted his right to be heard whenever he saw proper to speak or to write. This last address is to the legal profession of America. Guiteau demanded that his brother prepare a copy, so that it could go forth to the world, and this was complied with, in order to quiet him and prevent a recurrence of his conduct of Monday, when he repeatedly demanded to be heard. When Guiteau arose to speak two of the officers jumped to their feet, and one placed his hand on the prisoner's shoulder, as if anticipating the necessity of using violent physical force with the now excited man.

The following is the appeal of Guiteau referred to and the remarks of Mr. Scoville to the Court disapproving of the document and others written by the prisoner.

"To the Legal Profession of America:

"I am on trial for my life. I formerly practised law in New York and Chicago, and I propose to take an active part in my defence, as I know more about my inspiration and views than any one. My brother-in-law, George Scoville, Esq., is my only counsel, and I hereby appeal to the legal profession of America for aid. I expect to have money shortly so I can pay them. I shall get it partly from the settlement of an old matter in New York and partly from the sale of my book and partly from public contribution to my defence. My defence was published in the New York Herald on October 6, and in my speech published November

15 (yesterday). Any well-known lawyer of criminal capacity desiring to assist in my defence will please telegraph without delay to George Scoville, Washington, D. C. If for any reason an application be refused, the name will be withheld from the public.

CHARLES J. GUITEAU.

"In Court, Washington, D. C., November 16, 1881."

Mr. Scoville, in addressing the Court, asked leave to make a personal explanation, and said: "Before this trial commenced, on Sunday evening, several reporters called on me, and I gave them, as usual, such items as I thought of public interest, and I told them I should not entertain any more visits from reporters during the progress of the trial, but that they must get information as the case progressed. I also at that time intended to prevent anything getting into the papers except what came out properly during the progress of the trial. There was a paper obtained from the prisoner by some member of the press that was published; I think it was called an 'Address to the Public.' I did not see it before it was published and I did not know its contents. To-day I understand that another paper has gone out without my consent. I had not intended that anything of this kind should go out to the public in the manner indicated. That paper was presented to me this morning by the prisoner, who asked me to endorse it. I refused to do it, and said I did not think it proper that anything of that kind should go out. I understand, however, that it has gone out. What I want to say is this: I would like to have the public understand that that paper has gone, but without my consent. Not that I care for its influence on the public, or anything of the kind, but because it is of that character that it might have (if it were understood to have

gone out with my consent) an influence in some quarters which I should very much regret. For instance, I have received this morning two letters from gentlemen that I think are fully competent to take part in the management of this case, whose services may be obtained. They are not residents of the District, and may see this thing in the newspapers, and, supposing it has gone out with my sanction, it may have some influence upon them. Of course I could not meet all these things with private letters to persons in sympathy with me and giving me valuable assistance, and I simply want to have it understood that from this time anything that gets into the papers is entirely without my consent and approval."

This speech had the effect of bringing the prisoner to his feet, and in an excited manner he said: "I desire to be heard. I appear here in a dual capacity—first, as prisoner, and second, as counsel—and I want to have the final say in this matter. When I request counsel the Court can assign them. That paper was addressed to the legal profession, and I expect many responses to it. I want it understood that I appear here in part as my own counsel, and until I request counsel I propose to defend myself."

By a quarter to one the three remaining jurors had been-selected from the sixty talesmen examined in Court. Out of this number four persons were excused, the Government challenged four, the defence seven, three being accepted and sworn, while the other forty-two were disqualified from serving because of their opinions. The examination was conducted with great shrewdness by Mr. Scoville, who, though not a criminal lawyer, has given evidence of superior judgment and unquestionable tact. Owing to the intelligent and liberal construction of the law respecting

the qualification of jurors, and the desire of Mr. Scoville to secure men of thought and honesty rather than those characterized by ignorance and weakness of mind, the jury has been made up within three days, and from an entire tales of one hundred and fifty-nine persons.

The first challenge by the defence was that of Edward Thomas, who said he could not read and had "never formed any opinion whatsoever." Mr. Scoville remarked that while this was such a person as the law qualified, the defence did not want him. The second challenge by the defence was S. H. Williams, a barber, who thought the act dastardly. but had "since modified his opinion on the subject." The next challenge by the defence was Thomas H. Barron, a carpenter, who twenty years ago had employed Mr. Davidge, now of Government counsel. John Hughes, a colored man, who could not read, was also challenged by the defence. Charles Hopkins, a bartender, who objected to serving on the case because he thought "the duty would be too confining," was challenged by the defence. Frederick C. Revels (colored) was challenged by the defence because he is employed under his father, a deputy marshal in the police court. Many of the talesmen made queer answers to questions, and frequently the spectators laughed, as they had done the two previous days.

A very serious feature of the examination was the fact that so many persons swore that they had opinions that would prevent them from making impartial jurors and returning a verdict in accordance with the law and evidence in the case. One said, when examined as to his qualification by Judge Cox,

"My opinion is such that no evidence whatever will change it."

Another said: "There is nothing under the sun that can change my opinion."

Again came the emphatic answer: "My opinion is unchangeable, and I know that no evidence will modify it."

One person said: "I am satisfied of the prisoner's guilt, and it will have to be proved that he is not guilty before I would change my opinion."

Three talesmen were positive as to what disposition should be made of Guiteau. One said his opinion was such that nothing save the rope should be used.

Enoch Edmundson, upon being examined, said: "No amount of torture is too great for the prisoner."

Allison Naylor, a livery-stable keeper, said: "No amount of proof can remove my opinion but that the prisoner should be hung."

Of course these remarks were made under oath, and in the presence of the jury, the Court and the spectators.

After a recess of half an hour, during which many persons, especially ladies, with lunch-baskets prepared for the occasion, remained in the room, the Court was called to order, and on motion of District Attorney Corkhill the jury was sworn as a whole, the oath administered being as follows:

"You and each of you do solemnly swear that you will well and truly try and a true deliverance make between the United States and Charles J. Guiteau, the prisoner at the bar, whom you shall have in charge, indicted for the murder of James A. Garfield, and a true verdict give according to the evidence, so help you God."

The jury is constituted as follows:
John P. Hamlin, restaurant-keeper.
Fred. W. Brandenberg, cigar-maker.
Henry J. Bright, retired merchant.
Charles J. Stewart, merchant.
Thomas H. Langley, grocer.
Michael Sheehan, grocer.
Samuel F. Hobbs, plasterer.
George W. Gales, machinist.
Ralph Wormley (colored), laborer.
W. H. Browner, commission-merchant.
Thomas Hainline, iron-worker.
Joseph Prather, commission-merchant.
On motion of District Attorney Corkh

On motion of District Attorney Corkhill the Court ad journed for the day.

A correspondent sketches the jurors in the trial as follows:

The foreman of the jury, Mr. John P. Hamlin, is a well-known saloon-keeper. He is a mild-mannered man of forty-seven years, and may be regarded as the type of social geniality. He has a prominent forehead, well-shaped head, gray hair and moustache and light eyes. He wears a black cloth suit, open vest, turn-down collar and black tie. He holds in his hand a yellow cane with a curved ivory or horn handle. Mr. Hamlin wears a pleasant smile, and is, withal, quite dignified.

Mr. Frederick W. Brandenberg is a German cigar-maker, forty-five years of age. He is small of stature, with a head of average size, dark-brown hair and moustache, blue eyes, high cheek-bones, prominent nose and rounded forehead. Mr. Brandenberg wears a black suit, standing collar

and a small black cravat. He pays especial attention to the proceedings, generally sitting with folded arms. He occasionally leans forward in quest of the spittoon, and then twirls his dark, heavy moustache as if revolving something in his mind.

Henry J. Bright is a retired merchant, and over fifty years of age. He is fat and chubby, and gives indication of living well. He has a high forehead, eyes of brown, cropped side-whiskers, a full, rounded face, a great aquiline nose with flattened nostrils, and a large mouth and a tendency to a double chin. His hair is parted on the left side. His suit of dark-brown in its quality and shape bespeaks a tailor's art. He wears a turn-down collar and black cravat.

Charles Stewart, the sleeping juror, is a merchant, over fifty years of age. He generally rests his head on his hands, as if troubled or asleep, and it is fair to presume that he has enjoyed many a refreshing nap in the courtroom during this trial. He has brown hair and whiskers, blue eyes that look heavy and dull. His beard, which, like his hair, is mixed with gray, extends from his temples to his chin.

His left-hand neighbor is a veritable Irishman in shape, manner and behavior—Thomas H. Langley, a grocer, forty-eight years of age. Mr. Langley has a low forehead, dark hair whitened with age and short side-whiskers. He has keen dark eyes and heavy brows, and his face gives evidence of intelligent attention. He dresses in dark-blue clothing and wears a white cravat all crumpled and tightly tied around a standing collar. Mr. Langley rests his hands on the curled head of a polished black hawthorn cane, and not unfrequently takes a calm survey of the prisoner and the audience.

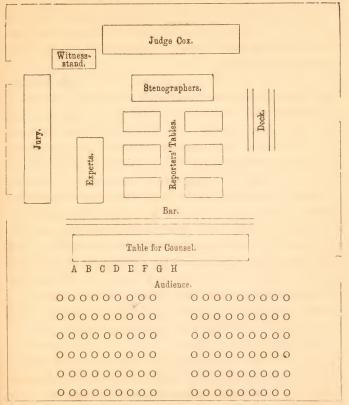
To his right is another Irishman, Mr. Michael Sheehan, a well-to-do corner grocer, forty-seven years of age. He has reddish-tinted hair of fine fibre and side-whiskers. He has a fine and honest expression in his mild yet keen blue eyes. In fact, no man on the jury has finer or smoother features than Mr. Sheehan. He looks as if he had "come to a conclusion" and would not care much about either the subsequent testimony of witnesses or the argument of counsel. His hair is close-cropped, and the blue eyes shaded by dark brows indicate a man of positive character. These six jurors occupy the front seats.

George W. Gales, the youngest member of the jury, is twenty-seven years of age. He has black hair and moustache. His eyes are wild and fiery, and at times he does not look as if he were entirely calm or composed. He is rather handsome in his appearance, is a machinist, and when summoned to serve on the jury was at work in the United States navy-yard. The fact that he has an insane uncle and has been sick during the trial has caused some to think he was affected by the proceedings in the Court.

Thomas Hainline is an iron-worker, well advanced in years. He has a rounded forehead, and the lower part of his face is hidden in bushy iron-gray whiskers and moustache that must be at least ten or twelve inches in length. Mr. Hainline's seat is in front of the window, and he often leans back against the sill.

His right-hand neighbor, Ralph Wormley, a veritable specimen of the negro, is a laborer, and was formerly identified with politics in the District of Columbia. His painful expression and sleepy manner are quite noticeable. The greasy bandanna which he so long wore over his eye has given way to a green bandage. He frequently raises his

DIAGRAM OF THE COURT-ROOM.



A. Judge Porter. B. Col. Corkhill. C. Mr. Davidge. D. Mr. Reed. E. Mr. Scoville. F. Guiteau's old Seat. G. J. Wilson Guiteau. H. Mrs. Scoville's Seat.

Only part of the space allotted to the audience appears in the diagram. This portion was daily filled with a thronging crowd that pressed up to the bench, the witness-box, and even made it difficult to determine where the jury began and ended. The space within the bar was mainly occupied by reporters' tables, and what was afterward used for the prisoner's dock was at first appropriated by the female correspondents. The aisles were always filled with men and women, who stood immovable during all the proceedings, for the crowd at the doors made egress, and even movement, almost impossible. The counsel for the Government and defence, and until a late stage of the trial Guiteau himself, sat in a line at one end of a long table fronting but outside the bar.

hand to his face, and generally wears as solemn a look as if he were at a negro prayer-meeting. Owing to his appetite and the fine food with which the jury is served, he has made himself sick several times.

To the right of this colored gentleman is William H. Browner, a well-known commission-merchant. He is a middle-aged man with a round bald head. He is a keen man and a close observer. He too has had a case of insanity in his family. Mr. Browner wears a light moustache.

The next juror, Mr. Hobbs, is a plasterer, and aged sixty-three years, being the oldest member of the jury. His thin side-whiskers do not detract from the noticeably sad expression of his countenance. He sits for an hour or more with his head bowed and resting in his hand, as if in sorrowful revery. He is the juror whose wife died two weeks ago. For forty years he and his wife have lived together in quiet, happy contentment, and when she died so suddenly and he was summoned to her, then unconscious, his grief was painful to behold. He does not look as if he could give his undivided mind to the proceedings, for there is a great weight on his heart.

Joseph Prather is a middle-aged man, his business being that of a commission-merchant. He has a long, hoary beard and moustache, smooth forehead, a large but well-shaped nose and bright brown eyes. He frequently strokes his beard, and pays strict attention to the proceedings.

The jury is, and has been, deemed a most excellent one, being possessed of more than ordinary common sense. It was selected from one hundred and fifty-nine talesmen.

The correspondent of the New York *Herald* writes as follows about the character of the jury:

A reporter of a commercial agency had occasion to request the signature of one of the jurors. The juror was so excited by the trial that he could hardly sign his name legibly. His hand trembled violently, and he seemed very much agitated. The jury is regarded as a good one. Mr. Davidge for the prosecution, and Mr. Scoville for the defence, say that this is evidently one of the best juries that was ever empanelled, and that it was surprising such could have been so easily secured.

William H. Browner, the first juror selected to-day, is a grocer and commission-merchant, having been in the business thirty-one years. According to his answers he believes in different phases of insanity, and has given the subject some consideration. Though not a church-member, he believes in God and a future state of rewards and punishments; though not a Spiritualist, he had been spiritually inclined.

The second juror secured to-day, Thomas Hainline, said he had never belonged to any organization to lynch the prisoner. "I am an American," said he. "These institutions are not American. I am a mechanic, and not a politician."

The third and last juror, who completes the panel, is Joseph Prather, a commission-merchant. He said, while he had some prejudice, he believed he could render a fair verdict. He has a relative who is insane. When Mr. Prather was accepted there was general whispering among the spectators because the jury was now made up.

The special correspondent of the Philadelphia Times thus writes on the same subject:

It is said by those who have lived here some time, and

who have been close observers of such things in important criminal trials, that the men selected may be considered one of the best juries ever got together in the District. The District Attorney is satisfied on that point, and Mr. Robinson, for the defence, who has had much experience with District juries, thinks on the whole no fairer or more respectable body of men could have been found in the same time in any case.

It is true a large number of talesmen have been exhausted and the government had exhausted its peremptory challenges. It has happened, however, that the panel has presented the choice of many of the best citizens, and while many have been rejected because of their natural prejudices against the prisoner, those who have successfully passed the test applied are men of excellent character. Mr. Scoville's rare discrimination in cross-examination has earned him the general good-will of the District Bar, among whom he came a stranger in a very thankless rôle. One conspicuous point has been made in the examination of jurors, and that is on the subject of Free Masonry. On that point Mr. Scoville has been arbitrary. The late Mr. Garfield was a prominent member of the Masonic fraternity, and the rigid exclusion of the order is natural and excusable. On religious points the counsel for the defence have leaned in apparent favor toward freedom of religious convictions, while rejecting the Spiritualistic class of persons. Many complimentary remarks may be heard on Mr. Scoville's rejection of the pernicious theory that the more ignorant the juror the more likely he is to render a just verdict. He has challenged those who could not read on general principles, though it was evident to outsiders that several of these were likely to have been favorable to the accused. Said Mr. Scoville,

when one of the illiterate sort had passed everything else successfully, but could not read and had not conversed with anybody on the subject, "I think that is the kind of juror the law contemplates, but we don't want him."

On the 17th day of November the Government opened its case, and the Secretary of State, the highest official in the Presidential councils, stood in the witness-box where thieves and rogues have testified against each other without number. Around the distinguished witness sat foreign ministers and attachés, prominent officials of various departments of the Government, White House attendants, the formidable corps of special correspondents, a cloud of eminent counsel and interested members of the Bar, while a bevy of female beauty and fashion occupied a considerable portion of the court-room and contributed by their unusual presence to the remarkable scene. Over beyond the rail, crowding the space allotted to the general public, a dense mass of variegated humanity looked down on those below. Men stood upon the window-sills and darkened the windows with their bodies from without. The crowd even encroached upon the sacred precincts of the Bench, and stood behind the Judge and were banked up high on either side. Away off in the crowd from various elevated positions were to be seen artists with sketch-books and pencils catching the sensational pictures for the sensation-loving public. All of the White House attachés were on hand, and attracted their share of attention. In their presence the murdered President lived again. The sight of them refreshed the memory of many, and recalled those long, painful hours and nights and days of public solicitude.

This was the scene that greeted Judge Cox when he had successfully fought his way through the packed corridors

and took his seat among the ladies and gentlemen who had forestalled him on the Bench. This was the picture that confronted the assassin when he was led manacled and surrounded by bailiffs to his seat. This remarkable assembly of curious people had not gathered in vain. The prisoner, impressed with the idea that they had come to see and sympathize with him, appeared to be desirous of giving them a good show, so he began early to kick up a row, grandly referring to "the country," to which he appealed his case from his counsel and the Court. From the way he addressed the crowd it was evident that his overweening vanity was flattered by their presence. At the instance of Judge Porter the Court quickly gave the prisoner to understand distinctly that no more nonsense of that sort would be tolerated, but that he should be sent from the court-room in irons. This had the effect to silence for a time the insane business; but when Mr. Scoville arose and explained that any disagreement, seeming or real, between Mr. Robinson and himself had disappeared, the assassin rose, and, pounding on the table, said he did not want Robinson—that he was conducting his own defence.

Judge Cox again told the prisoner to keep quiet, whereupon Guiteau protested vigorously against what he termed the arbitrary conduct of the Court. He told Judge Cox that he had no right to muzzle him. He had a right to be heard in his own defence. He was his own counsel. He did not accept any such aid as that of the counsel assigned him, and proposed to conduct his case regardless of them. When he wanted counsel he would ask for it. He knew his rights; he knew that he was inspired; he knew all the points in his case; he didn't propose to have his defence damaged by blunderbuss lawyers who knew nothing about it. Mrs. Scoville entered the court-room at ten o'clock, accompanied by her little daughter, about five years of age.

At half-past ten o'clock Secretary Blaine, accompanied by Assistant Secretary Walker Blaine and Chief Clerk Brown, entered the court-room, and were ushered to seats immediately in the rear of the counsel of the Government.

Immediately after the Court opened Counsel Scoville arose to make a personal explanation, in which he said that there had been no disagreement between himself and Mr. Robinson, as would appear from certain publications, and in conclusion said that Mr. Robinson would render all the aid possible in the case, and that they would work in harmony. At this point Guiteau rose to his feet and objected to Mr. Robinson taking part in his defence. He said he would manage his own case, wouldn't trust Mr. Robinson with anything, as he had no brains. He wished the Court to understand him on this point, and if counsel were forced upon him he would make a noise about it to the country. He represented the Deity in this case, and wished the Court to understand it. Continuing, he said two or three blunderbuss lawyers would lose the case for him, and he did not propose to submit to anything of the kind.

The Court informed the prisoner that if he did not keep quiet he would be removed from the room. After the lapse of a few minutes the prisoner burst out afresh with the remark,

"There is not a word of truth in the Chicago despatch published in the *Post* this morning. It is a lie from beginning to end."

The prisoner referred to a despatch regarding the arrest of a supposed accomplice of Guiteau. For some time after his last remark the prisoner conversed in a very excited manner with his counsel and brother, at intervals using his clenched fist upon the desk before him in an exceedingly demonstrative manner.

A few minutes later U. S. District Attorney Corkhill made the opening statement, as follows:

May it please the Court and gentlemen of the jury: The prisoner at the bar stands before you, charged with the murder of James A. Garfield. Under any circumstances there rests a grave and responsible obligation upon every man who is called upon in the discharge of his duty under the law to render a decision upon which depends the life of a fellow-creature. And while it is true that the offence charged in the present case is no greater in legal gravity and consequences to the prisoner than if by his act he had taken the life of the humblest and most obscure citizen of the Republic, still it is idle to overlook the fact that the eminent character of the man whose life was taken, his high official position and the startling effects of the commission of the crime render the case one of unusual and unparalleled importance. It is the second time in our history that the citizen chosen by the people of the United States to discharge the high and responsible duties of President has fallen a victim to a lawless assassin during the period of his incumbency of the office.

But in the former case we were just emerging from the shadows of a long and bloody war. The country had been racked by commotions and stirred by civil feuds. Throughout the length and breadth of the land nearly every household mourned the loss of relatives or friends slain on the hotly-contested battle-fields of the Republic. It was a danger that thoughtful men had anticipated. It

was a calamity that patriots had feared. And when it came, with all its dread consequences, it was accepted as one of the results of the then disordered and discordant condition of public affairs.

But we had passed from the arena of the war, the sword had been beaten into a ploughshare, and the spear into a pruning-hook, the country was united, peace reigned at home and abroad. There were no local dissensions, and there were no intestine strifes. Seed-time and harvest had come and gone, the battlefields, redeemed from the sears and havoe of their bloody contests, were blossoming with the fruits of peaceful labor. Suddenly the startling fact was proclaimed throughout the land, and around the entire world, that the President of the United States had fallen a victim to the assassin's bullet in the capital of the nation.

Murder, under all circumstances and upon all occasions, is shocking. The life of which we know so little, and which we hold by so fragile a tenure, is dear to us all; and when it is brought to a close, not in the usual order and course of nature, but prematurely by violence, no matter what may be the condition of the person, the human mind is appalled with terror. When a man holding a position of eminence and power falls a causeless victim to the murderer's stroke, we realize still more fully the awfulness of the deed which produces the result.

This trial is a remarkable illustration of the genius and spirit of our Government. Although our chief ruler was murdered, although the effects of that death were felt in every station of life, in every avenue of business, in every department of society, yet the prisoner, his murderer, stands before you to-day entitled to the same rights, to the same

privileges, panoplied by the same guarantees of the constitution, as if he had killed the lowliest member of this community. Had this crime been committed in any other country or under any other form of government, long ere this the prisoner would have paid the penalty of its commission by a punishment as swift and as rapid as it would have been effective.

I doubt whether, in the world's history, there can be found another instance like the present. In no age, under no government, has there been seen such a situation as we have here before us. Defended by eminent counsel, demanding of right the full benefits of every provision of law and the protection of every guarantee of the Constitution, with the power, exercised carefully, to see that the jury selected are unbiassed and free from prejudice, every right is extended to the prisoner that would be granted to a criminal charged with the most insignificant offence.

It has been a subject of the deepest anxiety and gravest consideration on the part of the admirers of our form of government whether the fundamental principles which underlie it did not contain elements fatal to its permanency and success. With the individual citizen are its absolute destinies for weal or woe. The choice of proper rulers, the enactment of laws and their prompt execution, depend upon his character; and no matter how important the trust or how grave the responsibility, upon the individual citizen rests its final decision.

The simplicity of the forms under which our Government is administered constitute for us one of its greatest attractions; but the easy accessibility to all of those charged with its administration exposes them to many dangers from the viciously disposed. The President of the United States,

without pomp and parade, but after the manner of the hamblest citizen, and with no other safeguard than those common to all citizens, leaves the scene of his official labors for a brief recreation. In a public dépôt the prisoner at the bar, without warning, fires at him with a pistol, inflicting wounds which resulted in his death. And to-day this, the greatest case ever presented to a court of justice, is trusted entirely to you, who have been selected from the body of the community to weigh the evidence and the law, and then to say upon your oaths whether the man charged with the crime is guilty. While this trial will attract unusual attention, while every stage of its progress will be watched with intense interest throughout the entire world, vet its final decision rests with you. You are to determine, after you shall have heard the evidence and the law, whether or not the prisoner at the bar is guilty of the murder of James A. Garfield.

The time and the scenes of that occasion were generally disseminated by the press, and are still fresh in the minds of every citizen of the Republic, and they will remain, with all their sad and gloomy results, until the present generation shall pass from among men. After we are dead they will live in tradition, in history, song and story till the latest hour of time.

There is an enormity about the immediate occurrences, as they will be detailed to you by the witnesses for the Government, that make them horrible to contemplate. No words can faithfully depict the scenes of that fatal July morning. It was bright and beautiful, and as the morning sunlight gilded the dome of the Capitol its rays fell upon a city adorned with all the luxuriant loveliness of summer leaf and flower.

The President, wearied with official cares, was especially joyous at his approaching vacation. His official life had been one of anxiety and labor, but on this occasion he was bright with hope for the future. He was on his way to join a convalescent wife at Long Branch, and then to visit the college from which he had graduated, and to join with comrades of his student-life in a reunion in the halls of his alma mater. It was to him an approaching season of great pleasure, and he started from the Executive Mansion, in company with the Secretary of State, for the dépôt, buoyant and glad.

Early on the morning of July 2d last the prisoner at the bar made preparation for the murder. Breakfasting at the Riggs House, he took the fearful weapon that he had previously obtained, and, going to the foot of Seventeenth street, away from residences and beyond observation, he planted a stick in the soft mud on the river-bank, where the tide had gone out, and deliberately practised his aim and tested his weapon. He intended there should be no failure in the accomplishment of the crime for which he had been preparing. Returning, he took with him a small bundle of papers, and went to the Baltimore and Potomac Railroad Dépôt at half-past eight o'clock A. M., an hour before the arrival of the President.

After reaching the dépôt he went to the news-stand, and left certain papers with a letter addressed to Byron Andrews, a correspondent of the Chicago Inter-Ocean, and a package addressed to Mr. Preston, of the New York Herald, and then went into the closet, carefully examined his weapon, placed it in his pocket, returned, and went outside to the pavement, had his boots blacked, and then, in order to avoid the swift vengeance of an outraged community,

which he properly feared, engaged a carriage, to take him, as he said, to the Congressional Burying-Ground, this point being near the jail; and then entered the waiting-room to watch for his victim.

' All unconscious of this preparation for his murder, President Garfield, in company with Secretary Blaine, arrived at the dépôt, and for a few moments remained in the carriage in conversation. While thus occupied the assassin stood gazing at them, waiting and watching for a favorable opportunity for the perpetration of the deed. The President and the Secretary of State alighted from the carriage. With his usual courtesy, President Garfield hesitated a moment on the step to acknowledge the salutation of the policeman at the door, and then entered the dépôt. He had gone but a few steps when the assassin, lurking in the rear, stepped up behind him, and, pointing his pistol with deliberate aim, fired at his back, the first shot, no doubt doing its fatal work. The President shuddered, staggered, and attempted to turn, when another shot was fired, and he fell, bleeding, to the floor, unconscious. The horror that seized upon every one may be imagined, but no words can describe it.

The ball from the assassin's pistol had entered the middle of the back of the President about three inches to the right of the back-bone, inflicting a fatal wound which resulted in his death after nearly three months of pain and suffering, and here the story of this crime might legally end. The unlawful killing of any reasonable creature by a person of sound memory and discretion, with malice aforetl night either expressed or implied, is murder.

The motives and intentions of an individual who mmits a crime are of necessity known to him alone

human power can penetrate the recesses of the heart; no eye but the eye of God can discern the motives for human action. Hence, the law wisely says that a man's motives shall be judged from his acts, so that if one kill another suddenly without any provocation, the law implies malice.

If a man uses a deadly weapon, it is presumed he intended to commit murder, and in general the law presumes the man to intend the natural consequences of his act.

Were there nothing more against the accused than the occurrences of the morning of July 2d, the evidence of his crime would be complete, and you would be authorized to conclude that he feloniously, wilfully and with malice aforethought did kill and murder James A. Garfield. But crime is never natural. The man who attempts to violate the laws of God and society goes counter to the ordinary course of human action. He is a world to himself. He is against society, against organization, and of necessity his action can never be measured by the rules governing men in the everyday transactions of life. No criminal ever violated the law who did not leave the traces of his crime distinct and clear when once discovered. So in this case we can only add to the enormity of this offence by showing you its origin, its conception, and the plans adopted for its execution.

One year ago the eleventh day of the present month, the prisoner addressed to Hon. Wm. M. Evarts, then Secretary of State, the following letter:

"New York, Nov. 11, 1880.—Hon. Wm. M. Evarts—Dear Sir: I wish to ask you a question. If President Garfield appoints Mr. A. to a foreign mission, does that supersede President Hayes's commission for the same appointment? Do not all foreign ministers appointed by

President Hayes retire on March 4th next? Please answer me at the Fifth Avenue Hotel, at your earliest convenience. I am solid for General Garfield, and may get an important appointment from him next spring.

"Yours, very truly, CHARLES GUITEAU."

At this time, over a year ago, it will be seen he had in his mind an application for and expectation of receiving an office under the approaching Administration. In pursuance of that hope, the prisoner came to this city on the afternoon of the 5th of last March, no doubt believing that he would receive, at the hands of an Administration he supposed he had assisted in placing in power, such recognition as, according to his own opinion of his merits, he deserved. He was outspoken and earnest in his demands, and in his various conversations seemed to feel confident of success. From his own letters it is evident that during October and January he had written President Garfield, calling attention to his services in the campaign, and soliciting an appointment. On the 8th of March he addressed a letter to the President, calling his attention to the fact of his desire to be appointed to the Paris consulate. On the 11th of March he wrote Secretary Blaine the following letter:

"MARCH 11th, 1881.—SENATOR BLAINE: In October and January last I wrote General Garfield touching the Austrian Mission, and I think he has filed my application and is favorably inclined. Since then I have concluded to apply for the Consul-General at Paris, instead of the Austrian Mission, as I prefer Paris to Vienna. I spoke to the General about it, and he said your endorsement would help it, as it was in your department. I think I have a just claim to your help on the strength of this speech (a speech

was enclosed), which was sent to our leading editors and orators in August. It was about the first shot on the Rebellion-claim idea, and it was the idea that elected General Garfield. Mr. Walker, the present Consul at Paris, was appointed through Mr. Evarts, and I presume he has no expectation of being retained. I will talk with you about this as soon as I can get a chance. There is nothing against me. I claim to be a gentleman and a Christian.

"Yours, very respectfully, Charles Guiteau."

He followed up this communication by persistent personal appeals and by writing notes and letters, urging in various ways his claims for this position. Not only did he besiege the Secretary of State and the officers of the State Department, but the President and the officers of the Executive Mansion. Generally treated with courtesy and kindly dismissed, as his wants and necessities became more urgent he became more persistent and determined. On the 8th of March he commenced writing to the President, stating his reasons why the position should be given him, and urging in various ways his claims for the place. When his application reached the President he was politely referred, as were all other applicants for similar appointments, to the Department of State, the recommendation of which was usual for positions of the grade he sought. He frequently saw the Secretary of State, and had various conversations with Mr. Hitt, the Assistant Secretary, in which he urged his claims upon their attention.

Wearied by his importunity, the Secretary of State, on Saturday, the 14th of May, according to the prisoner's statement in writing, said to him, "Never speak to me again on the Paris consulship as long as you live." On

the following Monday he wrote to the President informing him of Mr. Blaine's statement, and saying he was satisfied Mr. Blaine was endeavoring to run the State Department in the interests of his own candidacy for the Presidency in 1884, and appealing to the President direct for an immediate order for his appointment. During this time he continued to visit the Executive Mansion, and urged and insisted on an opportunity to see the President. Finally, it became necessary, in order to avoid his presumptuous intrusion, to prohibit his entrance into the White House. Soured and indignant at this statement, disappointed and enraged, on the 23d of May he wrote President Garfield a letter in which, in the light of the fearful tragedy that followed, it needs no discerning eye to detect the threat of murder. This is the first premonition of the conception of this crime. That letter was the first indication that disappointment had turned his heart to malice, and that he had determined in revenge to commit the crime with which he stands charged. He was still smarting under the indignity cast upon him by the Secretary of State. He was still suffering from the rebuffs he had received at the hands of the employes of the Executive Mansion. Of inordinate vanity and of unparalleled self-esteem, he keenly felt the personal outrages he supposed had been committed upon him, and he determined to avenge them. That letter is a remarkable one—remarkable as indicating the motive that prompted this terrible crime-remarkable as giving an insight into the reason that impelled this man to nerve himself up to a condition to commit this deed. It was as follows:

"(Private.)—GEN. GARFIELD: I have been trying to be your friend. I do not know whether you appreciate it or

not. But I am moved to call your attention to a remarkable letter from Mr. Blaine which I have just noticed. According to Mr. Farwell of Chicago, Blaine is a vindictive politician and an evil genius, and you will have no peace till you get rid of him. This letter shows Mr Blaine is a wicked man, and you ought to demand his immediate resignation; otherwise you and the Republican party will come to grief. I will see you in the morning if I can, and talk with you.

"Very respectfully, "May 23."

CHAS. GUITEAU.

You see in these sentences his bitterness of spirit, inspired by the treatment he claims to have received at the hands of the Secretary of State, and the demand for his removal and the threat if it was not done what would result. Yet we will find on the 21st of March he wrote to Secretary Blaine:

"I am very glad, personally, that the President selected you for his premier. . . . You are the man, above all others, for the place."

That is one chapter in the history of this crime. The letter, standing alone and independent of any other circumstance, would not of itself attract attention to its peculiar and significant expressions; but it will be shown that among the papers left by this man for publication is found one dated the 16th day of June, 1881, in which he uses this significant language: "I conceived the idea of removing the President four weeks ago." So that at the time he wrote that letter he in effect said, "I want my office; Mr. Blaine stands in my way; I demand his removal; if it is not done, ruin for you and the party will be the result." It will be for you to consider whether this was

not as near a threat of his determination to do this crime as he dared then to make, with his knowledge of the law and the danger of exposure.

When he conceived the idea, he had been rebuffed, and, as he thought, insulted, by the Secretary of State. He had been driven from the White House. He was disappointed in his grand expectations. He was without money, and also an almost destitute wanderer upon the streets, and he soon determined to do the cruel deed; but here is the first conception, the original inspiration, here the groundwork, of his determination. Once the idea conceived that he was a wronged and outraged man, it took but little time for him to decide to represent his actions as being the result of his desire to vindicate some great principle. He knew, and well knew, that he must hang some screen in front of the real motive for his crime. His heart was wicked enough to conceive from its own malignity the crime itself, but his shrewdness and vanity demanded that the public should not gaze upon his real motives. This will account for many of the extraordinary circumstances connected with the crime. This will explain many of his lofty and egotistical utterances.

It is true there was a period during this time when there existed dissensions in the party in power. It is a well-known fact that, as between the Executive and certain prominent and eminent men, there was a difference of opinion as to the course to be pursued and the policy to be inaugurated by the Administration, then just in its commencement. It is true there were grave differences of opinion and earnest expressions of sentiment on questions of great gravity and importance to the peace and welfare of the country, and, as attendant upon these, there were frequent utterances of bitterness by partisans on either side.

To this man's wicked and revengeful mind it immediately occurred, "Here is the opportunity to commit this crime, to avenge myself and shelter my action under the claim that it was the outgrowth of the present strife;" and he systematically and cunningly prepared an apology and defence of his crime in accordance with this.

You will learn by the testimony that will be presented to you that from the time of his arrival in this city, and until he had lost the expectation of favors to be received and made up his mind to kill the President, a period of nearly three months, he was an earnest so-called Garfield man; he announced to the President, as will be shown by his own letter, his devotion and fealty to him. desired constantly to impress upon the President that he was for him as against every one else. You will find him on May 7th announcing to the President that in the contest going on he stood by him, but when he had lost all hope of the appointment desired under the Administration of President Garfield, and all expectation of official recognition from this source, he resolved to seize upon the pretext afforded by the situation to gratify his revenge, to kill the President and shield his real motives from the public. After this had been fully settled in his mind. with his knowledge of the world, with his experience of human affairs, with his observations of society-for he is a man of no ordinary ability in these directions—he carefully determined to make the situation of advantage to him; and when he had fully conceived this idea, when it had fastened itself on his mind, he went to work to accomplish his purpose with a spirit of vindictiveness, with a cool determination, that has scarcely a parallel in the annals of crime. How many efforts he made to do this

deed, or when and where he decided upon the exact method of its commission, no human mind can tell.

On the 8th day of June he borrowed from an acquaintance in this city fifteen dollars, representing that he was out of money and desired the amount to pay his boardbill. After procuring this loan he at once visited the store of Mr. O'Meara, on the corner of Fifteenth and F streets, for the purpose of purchasing a weapon. In this, as in all other acts connected with the commission of this crime, he displayed the malignity of his determination and the wickedness of his motives. He asked for a pistol of the largest calibre, and one that would do the most effective work, and was shown and purchased the pistol which he finally used—a weapon terrible to behold, carrying a bullet of the largest size—a weapon that was self-cocking, in order that there might be no delay in its use when an emergency occurred.

How for twenty-four days he carried that deadly weapon, and how often he dogged the footsteps of the unsuspecting President; how he watched his carriage; how he made his arrangements at the church; how he followed him from the residence of Mr. Blaine, watching and waiting for the fatal hour,—he alone can tell; but on the morning of the 18th of June he ascertained from the publication in the newspapers that the President would go to Long Branch, and he determined to kill him at the dépôt. How he went there fully prepared for that purpose, and was deterred from its accomplishment, his own words best tell. Returning to his room, he wrote:

"Washington, Saturday evening, June 18th, 1881.—I intended to remove the President this morning at the dépôt, as he took the cars for Long Branch, but Mrs.

Garfield looked so thin, and clung so tenderly to the President's arm, my heart failed me to part them, and I decided to take him alone. It will be no worse for Mrs. Garfield to part with her husband this way than by natural death. He is liable to go at any time, any way. "C. G."

And after this came another period of watching and waiting. It might be a story of thrilling interest to know how often the fatal danger threatened the lamented dead, and how often, while buoyant with life, the shadow of death haunted him. But again we are in the field of conjecture until we come to the morning of the murder, the occurrences of which I have already described. And this completes the story of this crime; this ends the recital of the circumstances attendant upon this national bereavement, for it cannot be forgotten that the effects of that fatal shot were felt throughout the land; that not only one family mourned, but around every hearthstone and about every fireside there hung a shadow; and it is not surprising that many for a time forgot law and doubted Providence, for it seemed so terrible that this man, in the full tide of his career of eminence and usefulness, should fall murdered, without warning or notice.

No verdict of yours can recall him; he "sleeps the sleep that knows no waking" on the peaceful banks of beautiful Lake Erie, whose limpid waters wash the boundaries of his native State, overlooking the city he loved so well, beneath the sod of that State whose people had crowded his life with the highest honors. It is too late to call that husband back to the bereaved wife and fatherless children-for that waiting little mother, whose face will never fade from the

nation's memory, there can be no relief in this world. The fatal deed is done, and its horrors and griefs must remain.

You have each been asked whether you were governed by religious convictions, and upon your oath you have answered affirmatively. Eighteen hundred years ago it was written by the pen of inspiration as the law of that merciful God whom you revere, "Woe unto the world, because of offences, for it must needs be that offences come; but woe to that man by whom the offence cometh. It were better for him that a millstone were hanged about his neek and that he were drowned in the depth of the sea."

And the honest, patriotic, law-abiding people of this country are waiting for your verdict, to see whether the man by whom this great offence came shall not suffer the just and merited punishment of the law.

During the time occupied by the District Attorney in delivering his argument the prisoner assumed an air of apparent indifference, and devoted himself to the morning papers, scanning them hurriedly. The argument was delivered by Colonel Corkhill in a very effective manner, tears filling the eyes of many in the audience, but the countenance of the prisoner remained unchanged. Toward the close of the argument he laid his newspaper aside and leaned back in his chair, covering his eyes with his hand, evidently endeavoring to conceal the emotion which he undoubtedly felt. He then drew a package of manuscript from his pocket and commenced writing in a hurried and nervous manner. The prisoner constantly shook his head in approval or disapproval of the statements made in the argument of Colonel Corkhill.

Mrs. Scoville, the sister of the prisoner, cried bitterly

during the delivery of the argument, and her little child could be seen appealing in an affectionate manner with, "Mamma, mamma, what is the matter?"

At the conclusion of Colonel Corkhill's argument there was long and continued applause.

Secretary Blaine was then called to the stand by the counsel for the Government, and testified that he had known James A. Garfield from 1863 to the time of his death. He said, on reaching the dépôt on the morning of the assassination, the President turned to say good-bye, but he insisted upon accompanying him to the car. He heard a pistol-shot, followed almost immediately by another, and, thinking there was some trouble, touched the President for the purpose of hurrying him onward. At this moment the President threw up his arms, exclaiming, "My God! what is this?" The Secretary detailed the circumstances of the removal of the President to the White House, and other matters pertaining to the shooting. In response to Colonel Corkhill, the Secretary testified that Guiteau visited the department many times seeking the appointment of the consul-generalship at Paris. He informed Guiteau that there were no prospects of his receiving the appointment, and requested him to discontinue his visits. Did not see the assassin when he fired the fatal shot. Saw the body of President Garfield after his death in the Francklyn cottage at Elberon, N. J.; did not see the body after it was brought to Washington. A number of letters from the files of the State Department were then identified by Secretary Blaine as having been received from the prisoner, after which they were read by the District Attorney.

Secretary Blaine was cross-examined, and testified as to the locality of the shooting, pointing out on the diagram of the Baltimore and Potomac dépôt the spot on which the shooting occurred. He said he had received numerous letters from the prisoner persistently urging to be assigned to speak in the Maine campaign; the letters were doubtless destroyed with other campaign débris. Regarding Guiteau's visits to the State Department, the Secretary said he was one of perhaps forty applicants on the days he came, and that he suffered the disappointment of the rest in his endeavors to obtain an appointment. He at no time noticed anything which would indicate any derangement of Guiteau's mind. Mr. Scoville, in questioning Mr. Blaine, referred to the difficulty which arose in the Republican party in New York after the appointment of Collector Robertson, and requested that the Secretary explain the situation as it existed. Secretary Blaine answered a number of questions on the subject of the resignations of Senators Conkling and Platt and the controversy in the New York Legislature, and, upon being further questioned, suggested that he would make a political speech for the defence if it was desired.

Mr. Scoville explained his reason for putting the questions, saying that he desired to show the feeling of bitterness in political circles with a view to proving the bearing it had upon the prisoner's mind.

At this point the prisoner expostulated with Mr. Scoville, stating that he desired him to comply with his (Guiteau's) wishes in the case, and if he did not do so there would be a big row. He was removed by the bailiffs with difficulty. He desired to continue the conversation. Mr. Scoville paid no attention to his client.

In reply to further questions the Secretary stated that after the assassination of the President he paid little or

no attention to the conflict in the New York Legislature, and, in fact, thought nothing of politics. He said he invented the term "Stalwart" himself in 1875. Secretary Blaine, after further questioning, left the stand at 12.20 P. M., and the Court took a recess for half an hour.

The Court reassembled about one o'clock, at which time the resident minister of Venezuela was called to the stand and examined. He gave a description of the scene at the dépôt on the morning of the shooting. The prisoner impressed him as wearing a look of fear.

In his cross-examination the witness explained how the prisoner wore his hat, and Mr. Scoville placed Guiteau's hat upon his (Guiteau's) head, partly on the side. Witness stopped the counsel, saying, "That is the way he wore his hat." Guiteau said, "That is false; I wear my hat this way," placing it on his head perfectly straight. He added, "I wear my hat this way, and do not go sneaking around." The minister was interrogated further, but nothing was elicited beyond what has heretofore been given.

Mrs. Sarah B. White, matron of the Baltimore and Potomac dépôt ladies' waiting-room, was next called. She explained the circumstances of the shooting in detail substantially as related in her statement obtained soon after the shooting. She recognized Guiteau as the person who fired the shot. She had seen the prisoner walking up and down the gentlemen's room previous to the arrival of the Presidential party on the morning of July 2. She did not observe the pistol in the assassin's hand. When she went to the President's assistance, "Guiteau," she said, "was only about three feet back of the President when he fired at him."

Cross-examined. Witness saw nothing remarkable in the

prisoner's appearance, excepting that he walked to and fro in the gentlemen's room, keeping his eyes constantly on the ladies' room, as if awaiting the arrival of some one. She explained the manner in which Guiteau wore his hat, stating it was on his head straight. Guiteau's hat was here placed on his head again in the manner indicated by the witness, and she said that was the way he wore it. The prisoner bowed his approval of the reply of witness.

Robert A. Parke, ticket-agent of the Baltimore and Potomac Railroad Company at Washington, testified that he saw Guiteau on the morning of the 2d of July; witnessed the firing of the second shot by the prisoner; rushed from his office out into the corridor, and as Guiteau was fleeing seized him, and kept hold of him until relieved by the police-officers. In his cross-examination Mr. Parke reiterated, in detail, his statement of the circumstances of the shooting, and said that the prisoner was moving very rapidly when he seized him. He did not see the first shot fired, but rushed from his office immediately after it occurred. Witness was interrogated at length, but his direct testimony was unshaken. He explained that the prisoner mentioned several times that the letter to General Sherman would explain everything.

Judson W. Wheeler of Virginia was next called. He described the details of the shooting. The firing occurred but a short distance from him; so close was it that he inhaled the smoke from the revolver, which caused him to cough.

George W. Adams was the next witness called. He reached the Baltimore and Potomac dépôt previous to the arrival of the Presidential party on the 2d of July. He heard the shots fired. After the first shot was fired the Pres-

ident raised his arms. At the second shot the President sank gradually to the floor. He saw the man who fired the shot run.

Cross-examined. Mr. Adams said that the prisoner did not appear to be hurrying to get away. He understood Guiteau to say, several times, that it was all right. He observed the prisoner's countenance, but was not impressed with it as indicating excitement. The whole matter, he thought, occurred in about ten seconds. He mistook the prisoner for a countryman trying to pacify the passengers.

The last witness was Jacob P. Smith, the janitor of the railroad dépôt. He detailed the circumstances of the shooting, but insisted that it was the second shot that took effect.

The Court then adjourned for the day.

CHAPTER III.

Guiteau Demands that Mr. Scoville should go Out of the Case.—Dr. Bliss on the Witness-Stand.—Was there any Malpractice?—A Rigid Cross-Examination.—Guiteau again Boisterous.

THE attendance on the fifth day of the trial was as large as on any day before—possibly still larger; especially the better class of the community seemed to show an increased interest in the proceedings. Long before the hour of the opening of the Court, several hundred ladies and gentlemen had assembled in the corridors and patiently awaited admission to the court-room.

Shortly before nine o'clock the van drove up, and the assassin, with a large bundle of papers in his fettered hands, hurried into the court-house. The hundreds of sight-seers who had assembled at the entrance to get a good view of the prisoner abstained from any demonstration; yet Guiteau showed plainly the fear of violence, as he always did when he believed himself exposed to danger. In the prisoners' room he spent his time reading the newspapers.

Soon after, every seat in the court-room was occupied. It was noticeable that a better class of citizens had come to be present at the proceedings than on previous days, and that the rough element, so conspicuous upon the opening day, had preferred to stay away.

As soon as the Court was opened Mr. Scoville requested the Court to prevent, if possible, the accused from giving his unauthorized communications to the public, and from interrupting counsel and witnesses in the court-room. This brought on a scene, during which Guiteau demanded that Mr. Scoville should go out of the case; that he was no criminal lawyer and had no sense; that he talked one thing to him in private and another in public.

Mr. Scoville endeavored to explain to the Court, but Guiteau became more and more excited, and addressed himself alternately to the Court, to Mr. Scoville and to the bailiffs who were endeavoring to keep him quiet. Guiteau said to the Court: "I represent myself, Your Honor, and I shall do as I please about counsel." Then, turning to Mr. Scoville: "You have got no capacity, and I won't have you manage my case." Then, turning to the bailiffs, he shouted: "You mind your business, you confounded fools! You ain't got no sense."

Judge Cox again stated to the prisoner in decided terms that he would order his removal and proceed in his absence.

To this Guiteau shouted excitedly, "I don't care if you do; the Court in banc will reverse you, and I will get a new trial. You have got no right to remove me."

The Judge replied, in terms which seemed to convince Guiteau of their sincerity: "Very well; I shall do so, if you persist in any more disturbance, and there are precedents in this court for such ruling." A whispered consultation between Guiteau and Mr. Scoville followed, and the former, apparently convinced, subsided into absolute quiet, and devoted himself to his papers.

District Attorney Corkhill offered in evidence certain letters which were yesterday read to Mr. Blaine and identified by him.

Ed A. Wagner was called as a witness, but failed to respond.

Joseph K. Sharpe was then called and sworn. He did not see the shooting, but saw the prisoner attempting to escape and witnessed his arrest.

Ella M. Ridgeley was the next witness, and testified to hearing the conversation between Guiteau and the hackman while the former was arranging to be driven to the cemetery. She also witnessed the shooting, and gave her evidence in a clear and straightforward manner. She was closely cross-questioned by Mr. Scoville, but adhered strictly in every particular to her evidence in chief. Being questioned as to Guiteau's manner when talking to the hackman, she said he was pale and appeared to be troubled. She thought he must be going out to see the graves of some dead friends. The witness described minutely the shooting, the relative positions of the parties at the time each shot was fired, and was positive the first shot took effect, as the President threw up his hands and commenced to sink down. At the second shot Guiteau stepped two or three steps nearer and held his arm higher. The witness proved to be the best one yet examined upon the incidents of the shooting.

Joseph A. Davis, gatekeeper at the Baltimore and Potomac dépôt, was next called. He merely caught a glimpse of the prisoner after he was arrested. He seemed to be struggling to get away, but not sufficiently to free himself. The evidence of this witness occupied the attention of the Court but a few minutes.

During the examination of these witnesses Guiteau was apparently absorbed in his papers. When allusion was made to his looking like a man who was about to visit the

graves of dead friends, he glanced quickly at the witness and allowed a faint smile to linger for an instant about his gutta-percha-hued lips.

William F. Barker was called, but failed to appear.

William S. Crawford, a wagon-driver, saw the firing; could not see the President, but distinctly saw Guiteau aim and fire, and saw his arrest; was about five feet from him when arrested; did not hear the prisoner say anything. He was questioned by Mr. Scoville at some length, particularly as to how Guiteau wore his hat on that occasion. Guiteau put his hat on, remarking, "They're all mistaken on that hat business; this is the way I wear my hat."

Witness. Well, perhaps that is the way he had it, only not quite so far back.

John R. Scott, special officer on duty at the dépôt, was at the south gate when the first shot was fired. At the second shot ran in the gate and across the hall, and saw Mr. Parke holding a man. It was Guiteau; he (Guiteau) said, "I will go to jail, but I want General Sherman to have this letter." Witness assisted in taking the prisoner to the police-station. On the way Guiteau said, "I'm a Stalwart, and Arthur is now President." Witness then detailed incidents attending searching the prisoner at the station and the finding the pistol upon his person.

District Attorney Corkhill then handed the pistol to the witness, who identified it as the one taken from the prisoner. There was a noticeable stir in the court-room and a craning of necks in every part of the room, with the whispered exclamation, "There's the weapon that killed poor Garfield!" The pistol was handed around and examined by the jury, their attention being called to the fact that two barrels were empty and four were still loaded. A

lengthy cross-examination elicited no variation from the evidence given upon the direct examination.

Edmund L. du Barry was standing in the main waitingroom on the morning of the shooting, with his back turned
to the ladies' room; heard a pistol-shot, and turned immediately; saw a man with arm extended, and saw the second
shot fired; then saw the man put his hand behind him and
turn to the B street door, where he was confronted by an
officer; then saw him retrace his steps and hurry into the
main room, where the arrest was effected. Witness identified
the prisoner as the man he saw fire the shot.

Mr. Du Barry was cross-examined by Mr. Scoville, and was somewhat sharply questioned as to Guiteau's appearance, as to his eyes, mouth, beard, etc., to all of which the witness replied, "To the best of his recollection," adding, "He had a bad face, according to my opinion."

Mr. Scoville desired this portion of the evidence to be stricken out, unless the witness would state in what particular feature the prisoner had a bad face.

Witness insisted that was his impression from prisoner's general appearance.

Mr. Scoville (quite sharply). I don't want any opinions from you. Have you ever expressed an opinion on this case?

Witness. I have, sir, frequently.

*Have you ever said you thought the prisoner ought to be hung?

Witness (in a most emphatic manner). I have, most decidedly.

Patrick Kearney, policeman, first saw the prisoner at 8.45 A. M., July 2; he was talking with two hackmen, "who were bucking a job from him, as we call it." Witness described minutely the arrival of the President's car-

riage and the entrance into the dépôt, his evidence in this particular exactly corroborating that of Secretary Blaine. Soon after the President passed into the dépôt he heard shots, and, rushing in, seized a man, who was running out. The man said, "I want General Sherman to have these papers." Witness said, "There were two shots, and you are running from the direction of the shooting; I will arrest you." Some gentleman said, "That is the man who shot the President." "I had my club in my hand, and thought of hitting him; then thought about the grand jury, and did not hit him."

The witness caused much amusement by his quaint expressions and the emphatic manner in which he contradicted the testimony of the special policeman, Parke, as to which of them first seized Guiteau. Witness claimed that he seized him first, "and no one else, so help me God, took hold of him. I was all alone—me and Mr. Du Barry; I saw Mr. Parke with a linen duster on; he was bareheaded when he rushed up to us and made a dash at Guiteau's neck, and exclaimed that he had got the man that assassinated the President."

After a few questions had been asked the witness by Mr. Scoville, Guiteau, who had been closely following the evidence, exclaimed, "Your Honor, will you allow me to ask this witness a few questions? He comes nearer to the truth than any of them." A whispered consultation between Mr. Scoville and Guiteau ensued, when the former asked witness, "Were you at all excited when you made the arrest?" Witness began to make a statement or repetition of his evidence, when Guiteau interrupted him, saying, "You were the first man who took hold me. I had not moved. I had just put my pistol up."

A colloquy then ensued between Guiteau and the witness which created some amusement, but was not interrupted by the Court. Witness, in reply to questions, admitted that Guiteau did not attempt to run away.

Thompson H. Alexander was next examined, but added nothing of importance to what had gone before.

· At 12.20 the Court took a recess for half an hour.

During the recess counsel, jury and prisoner retired from the court-room, but the greater portion of the spectators remained, fearing to forfeit their seats by temporarily vacating them. The ladies, who composed by far the greater portion of the audience, devoted themselves to their lunch-baskets and buzzed and chatted.

At 12.55 p. m. the Court reassembled, and shortly afterward the prisoner was brought in. As soon as his hand-cuffs were removed Guiteau addressed the Court with, "Your Honor, Judge Magruder of Maryland has offered to assist me on this trial, and I want to invite him to meet me here Monday morning. I don't know if Mr. Scoville knows about it, but I want him in the case. Mr. Scoville is doing splendidly, but I want him to have assistance. This is the only way I can get anything before the public, to announce it in Court." No objection was offered, and Guiteau, apparently satisfied, busied himself with writing, occasionally turning to Mr. Scoville to assure him that Judge Magruder was a splendid man and he wanted him in this case.

John Taylor (colored), a hack-driver, testified to a conversation with Guiteau relative to taking him to the cemetery from the dépôt. It was about a week previous to the shooting. Witness identified Guiteau as the man; did not notice anything peculiar about his appearance at

the time; he seemed like any other young man who wanted to engage a hack.

Aquilla Barton (colored), hackman, was at the dépôt on the morning of July 2 and saw the prisoner there; asked him if he wanted a carriage; prisoner inquired for Taylor, and went away. He afterward came back and made arrangement with witness to be driven to the cemetery for two dollars. Witness was told to tell all he knew about the case, and proceeded with most amusing volubility to detail his conversations with Guiteau and what he saw in connection with the shooting.

Cross-examined by Mr. Scoville: Never saw the prisoner before the shooting, nor since till I saw him in the court-room. Had two conversations with him the morning of the shooting—first, at half-past eight, and then at nine. The second time he made a firm bargain, and I took a good look and examined him close. He did not look excited or peculiar; was perfectly cool; he told me to keep cool and not get excited, he knew what he was looking for. Witness was asked if the prisoner appeared to have lost any flesh since that time, and replied: "I think he looks a little thiner."

At this point Guiteau, who appeared both interested and amused at the witness's replies, said, "Just here it might be well to say that I have had to-day the first square meal since the 2d of July." This sally raised a laugh, in which Guiteau joined heartily.

Byron Andrews, journalist, was sworn, simply, as the District Attorney said, to identify him in Court. He had no acquaintance with Guiteau, and never at any time received any papers from him.

Mr. Scoville here addressed the Court, desiring to give

notice that the defence would be insanity, and that the burden of proof would rest with the Government; and if they desired to offer any evidence, they must introduce it in chief before the opening of the defence.

Mr. Davidge, for the prosecution, rejoined: We think otherwise, Your Honor, and have our own theory of the prosecution.

Mr. Scoville. We simply desired that the notice should be a matter of record.

Sevillon A. Brown, chief clerk of the State Department, was next sworn, and testified to Guiteau's visit to the department and his application for the Austrian mission, and afterward for the Paris consulship.

Cross-examined: I first saw Guiteau at my office in March; he introduced himself; he said he had influence, and spoke of Senator Logan; no public man nor any other person ever recommended him for office; he never brought any letter of recommendation; I did not look upon him as the kind of man who would receive such an appointment; I gave instructions to have his cards excluded from the Secretary, because I did not think it advisable to have the Secretary's time so taken up; I cannot say that I ever noticed anything peculiar about him; he seemed to be a nervous man; nothing uncommon. He seemed to have a reluctance to looking one in the eye.

Guiteau, who had apparently been engrossed in his paper, here looked up with a smile, and said, "I'll look you in the eye, Mr. Brown, if you would like to have me."

Adolphus Eckloff, lieutenant of police, was on duty at the station when the prisoner was brought in, and took the pistol from him. J. Stanley Brown, private secretary to President Garfield, testified relative to Guiteau's visits to the White House. His first visit was early in March, and his visits were repeated at intervals of two or three days until the 1st of June. Witness identified several letters and notes handed to him by the District Attorney as those which had been left at the White House by Guiteau.

The question of identifying the letters being discussed, Guiteau broke in again with, "They are all right; I wrote them all." When Mr. Brown was asked if Guiteau was always treated with courtesy at the White House and replied in the affirmative, Guiteau added, "You should rather say cordially."

James L. Denny, the next witness, had charge of the news-stand at the dépôt, and received some papers from Guiteau on the morning of the shooting. These papers were read, after which the Court adjourned.

Long before the opening of the Court on Saturday, the 19th day of November, the crowd began to assemble, and in a short time the entire available space of the building was thronged with people. The majority of the visitors consisted of women, many of whom had their hats and flouncings somewhat disfigured by the great rush. At half-past nine o'clock it was impossible for any one to enter the building, and counsel and reporters only, after the most energetic and tiresome exertions, could reach the court-room.

It was evident from the action of the spectators that the great majority had not been present on any previous day, and were impelled by a desire to see the assassin of the President; but, owing to the density of the crowd in the room, many were unable to see Guiteau. Consequently, there was a moving of heads, many straining their necks to the fullest extent.

When Guiteau entered the room, he as usual held a bundle of newspapers in his manacled hands. As he was conducted by the officers to his seat the spectators peered at him, and there was the same general hum. The wonder of some, the awe of others and the horror of a few were among the expressions depicted on the faces of the spectators. The ladies especially exhibited queer expressions. It was not uncommon to notice here and there countenances almost pale with the very intensity of feeling. About half the spectators were on their feet, and did not resume their seats until they had carefully scrutinized the form, features and motions of the prisoner.

Guiteau appeared anything but calm, and from his look it was evident that the Court would again be interrupted at some stage of its proceedings. This Guiteau did shortly after the first witness began to testify that he had given the prisoner money because he looked hungry. When Guiteau with warmth replied, "I was boarding at a first-class hotel; it was mental anxiety, not hunger, that made me look so," there was general laughter, and again people arose so as to see the prisoner, who after a while lapsed into the indifferent, careless mood which had characterized him during the preceding days. After his utterances he sank back into the chair and began to read a newspaper, glancing slyly at each witness and saying something by way of advice to Mr. Scoville. Much merriment was caused by his remarks about disreputable persons trying to do him injury, and in the chorus of laughter were easily distinguished the voices of children

When District Attorney Corkhill gave to the witness

O'Meara the pistol which Guiteau bought of him, and with which he shot President Garfield, the prisoner leaned toward Mr. Scoville and his glassy eyes became riveted upon the weapon, which has already been described. After saying, "We admit the shooting, but deny the killing," he resumed his paper, holding it in his lap and resting his head on his left hand.

The Court was opened in due time, and George C. Maynard, electrician, was called to the witness-stand, and testified that he had loaned Guiteau ten dollars at one time and fifteen dollars at another. Guiteau protested against this evidence because it was nobody's business whether he owed twenty-five dollars: "Maynard is a good fellow, and I owe him twenty-five dollars; that is all there is in it."

District Attorney Corkhill remarked that Guiteau had borrowed the fifteen dollars with which he purchased the revolver.

Guiteau frequently interrupted the witness, saying that he lived in the best style and wore expensive clothes; he was acquainted with plenty of public men, and had plenty of money. He had a good deal of mental trouble about that time, and his mental, not his physical, condition was at fault.

Joseph N. Parker, clerk to Mr. Maynard, also testified to the loan of the fifteen dollars, and thought Guiteau's walk and the way he held his head a little peculiar.

John O'Meara testified to selling the pistol to Guiteau. He could not identify it, as there were thousands just like it. The charges were then drawn from the revolver at the suggestion of counsel, and much to the relief of the audience.

Pending the examination of the pistol, Guiteau desired to announce to the Court that he invited John B. Townsend

of New York and Leonard Swett and A. S. Trude of Chicago to assist him. There was a plenty of brains on the other side, and he desired as much on his, in the interest of justice. "Another matter," he continued, "I desire to call to the attention of the Court. There are a number of disreputable characters about the Court, and some threats of violence have been made during the week past. I have no fears for my personal safety. The chief of police has kindly furnished me a body-guard, and I wish to notify all evil-disposed persons that if they attempt to harm me my body-guard will shoot them down; that's all there is about it." Then, nodding to the reporters' tables, he added, "Reporters, put that down."

Colonel A. S. Rockwell, the next witness, began to detail the occurrences at the dépôt, when Mr. Scoville interposed, acknowledging the killing. Guiteau quickly shouted: "No, Your Honor, we acknowledge the shooting, but not the killing."

Colonel Rockwell briefly stated the facts within his knowledge, and without cross-examination was followed by General D.G. Swaim. Witness was at Elberon when the shooting occurred.

This ended the general testimony; and Dr. Bliss was called, and occupied the attention of the Court during the remainder of the session. A skeleton hung before him, and, using it for an illustration, he pointed out the track of the ball, and explained at great length and with minuteness the nature of the wound and its treatment.

The wound made by the ball was the immediate cause of death.

The cross-examination was opened by Mr. Robinson with the following very comprehensive question: "State concisely but accurately what was observed on each date from the time of the shooting until the time of the death. Describe all the symptoms observed each day, and also what was done. Begin with the first day."

The witness proceeded to make the statement called for. The statement was interrupted by inquiries and responses as to the medical consultations held prior to the arrival, on the 4th of July, of Drs. Agnew and Hamilton. Then the witness was asked to describe again minutely the course of the ball. In doing so the witness made use of an actual section of the President's back-bone, showing the hole made by the bullet. This horrid exhibit was laid on the edge of the Judge's bench, where it was the object of morbid curiosity for some time. Then the District Attorney handed it to the Judge for his special inspection. All this time the human skeleton used in the demonstrations lay on the desk beside the witness.

Then Mr. Robinson inquired as to the location of the abscess, the incision into the pus-sac, the incision into the pus-track, the muscles or organs through which the ball passed, the inclination at which the ball struck the spinal column, its force, the fragments of bone that were found during life and at the autopsy, and the condition of the wound as discovered in the autopsy.

While this was going on the section of the President's vertebræ was handed over to Mr. Scoville, who put on his spectacles for a critical examination, in which he was joined by Guiteau in the most cold-blooded manner. Then Guiteau again resorted to a newspaper, to which he appeared to be paying more attention than he was paying to the doctor's testimony.

Then Mr. Robinson came back to the question of the

consultations that were held, up to the arrival of Drs. Agnew and Hamilton. He wanted to know exactly what was said by the physicians. Witness said that he could not give that information, but he could state the conclusions; and Mr. Robinson called for those conclusions, which the witness proceeded to state.

Then Mr. Scoville took up the cross-examination, and inquired minutely as to the formation, growth and final rupture of the sac formed on the artery which had been cut by the ball. He also inquired as to who had authorized the witness to take charge of the case.

Mr. Davidge suggested that that had nothing to do with the matter, but the witness answered by saying that the request had been made to him on the morning of the 3d July by the President, no one else being present but Mrs. Garfield and the witness. Mr. Scoville also inquired minutely about the probing of the wound, about the supposed internal hemorrhage the first day, about the pus-cavity and the openings made to it, and about the quantity of morphine administered.

The cross-examination had not been finished when the Court at half-past twelve took a recess.

The cross-examination of Dr. Bliss was resumed by Mr. Scoville. It ran upon the probing and washing of the wound, and the possibility of its having been thoroughly probed if the real track of the ball had been known from the first. To the question on that point the witness gave a negative reply. He was also asked by what authority most of the doctors who had been originally in attendance were discharged, and he said that it was by authority of the President, given in the presence of Mrs. Garfield and the witness. He was asked as to where the ball had been

found, and replied that all the viscera had been taken out and placed in a bowl, and that in that bowl the ball was found in its cyst.

Then Mr. Robinson again took up the cross-examination, and asked the witness to reply in detail to the question as to the symptoms observed during the first four days. In order to do that it was necessary for him to refer to the data kept by Dr. Reyburn; and, as there was some difficulty in reading the manuscript, Dr. Reyburn was sworn, and stood beside him to aid him in the task. The process was slow and the results uninteresting. When the reading had continued some twenty-five minutes, the District Attorney interposed with an objection to the waste of time which was the result of the reading. He desired to know the purpose of the defence in having the record read. Mr. Robinson stated that he wished that the testimony as to the character of the wound should be perfectly accurate.

Mr. Davidge said that he objected with great reluctance to the introduction of any evidence that in the judgment of the counsel representing the defence benefited in any degree the case of the prisoner, but it appeared to him that the reading of this record was not only not pertinent to the issue, but had no pertinence whatever to the examination in chief, which had been studiously confined to the character of the wound. He could only infer from the cross-examination that it was the intention of the defence to endeavor to show that the death of President Garfield had resulted from maltreatment on the part of the surgeons who had had charge of the case; when the defence undertook to offer that evidence, the prosecution might have something to say in respect of its admissibility. It would be a novelty indeed if one human being could put a ball in the

body of another, and when arraigned for murder defend himself on the ground that possibly or probably some other treatment than that adopted by the surgeons called in might have been used to advantage. He did not concede the truth of the averment that the President had died of maltreatment; but, conceding for the purpose of argument that there was a shadow of truth in the pretension set up on the other side, he did not know what relevancy it could have to the present case. Until it was asserted here that the surgeons killed the President and that the ball planted in his body was not the agent, or at least a contributing agent, any evidence of malpractice was wholly inadmissible. In order to save time, he suggested that the doctors' record could be handed to the counsel for the defence and by them examined.

This suggestion was acceded to by Mr. Robinson, who thereupon proceeded with the cross-examination of the witness. His questions, which were written upon two or three sheets of foolscap, bore the indications of having been drawn up by a medical expert, and related to the conditions in which the organs of the President were found at the time of the autopsy. The answers were given in a clear, straightforward manner, and when Mr. Robinson had concluded, Mr. Davidge subjected the witness to a short redirect examination.

Question. What elements of danger are there attendant on a wound such as you have described the President's to have been?

Answer. The injury to the body of the back-bone and the vertebræ in gunshot wounds is liable to produce bloodpoison, and more especially so because the vessels that are running through it are surrounded by firm walls; the vessels when torn still remain open, and will take up the products of the pus that has formed, which is poisonous and produces septicæmia; the laceration of the splenic artery I should consider a vital injury—that sooner or later the aneurism would give way and death would ensue; the carrying of the débris or the broken fabrics of bone through the spine—each one a point of suppurative inflammation—would be liable to produce blood-poisoning; these are three elements of danger, in my judgment, in an injury of that character.

- Q. What was the character of the wound? Is it a mortal wound?
 - 1. Yes; it is a mortal wound.

This concluded Dr. Bliss's examination.

The District Attorney. May it please the Court, we had expected confidently to close the case for the Government this afternoon. I did not suppose that there was any doubt about it, but Mr. Robinson informs me that the medical gentlemen who follow Dr. Bliss will be subjected to the same interrogatories which he has propounded to Dr. Bliss, which are, of necessity, interminable, and I do not see the use of going farther this afternoon on this subject. The question may be submitted to the Court Monday morning as to the admissibility of the evidence at all.

Here the District Attorney paused, and the prisoner half rose to his feet, with an exclamation addressed to the Court.

- "I wish to say further—" said the District Attorney.
- "With the permission of the prisoner," satirically interjected the Court.
- "With the permission of the prisoner," repeated the District Attorney. He merely wished to ask the consent of the defence to have the jury allowed to take a carriage-

ride to-morrow, which consent was given, the prisoner himself assenting in a pleasant way.

The Court then, at fifteen minutes past two, adjourned until Monday.

While Dr. Bliss, who attended President Garfield during his entire illness, gave his evidence, not a whisper could be heard from the hundreds of spectators who filled every available space of the court-room.

Dr. Bliss is a man of fifty-six or sixty, probably older, having iron-gray whiskers and a delicate goatee. He wore a standing-collar, white cravat and gray suit. When the examination began, Dr. Bliss fumbled with his watch-chain, but after a while engaged his hands in describing the trunk of the skeleton, which had been brought from the Army Medical Museum so as to show the course of the bullet and the nature of the wound. The skeleton was of polished whiteness, and its presence somewhat dampened the feelings of the spectators. Guiteau at first paid strict attention to what Dr. Bliss said.

The skeleton rested on the stand in front of the doctor, and its ghastly sight added to the solemnity of the occasion, but this was greatly increased when District Attorney Corkhill showed the section of President Garfield's vertebræ and placed it on the stand. When this was produced there was a deep silence, and the faces of the spectators assumed a graver air, a more serious expression, than had been before witnessed. Not a few seemed to be horrified by the sight of a portion of the body of the dead President, and from contemplating this would turn their gaze upon Guiteau with no meaningless contrast of expression. At one time District Attorney Corkhill, holding the section of vertebræ in his hand, stood beside the witness stand, on which lay the

truncated skeleton. The more sensitive among the spectators seemed to shrink with dread as they beheld the skeleton, and saw there the bone that had been taken from the body of the murdered President. The District Attorney showed the vertebræ to the jury, each member making an examination, so as to see how and where the bullet ranged. This piece, which is about four inches in length and was removed at the time of the autopsy, was broken, one piece having been knocked off by the force of the bullet striking against it. The portion shown was decayed, the purulent pus having partially destroyed the cartilage between the sections of the back-bone which had been broken by the bullet; the main part of the broken bone was also eaten into by the pus.

While Dr. Bliss was exhibiting the vertebræ the assassin was nervous, although he pretended to be deeply absorbed in a newspaper, which he held closely to his face. Only once he smiled—when Mr. Robinson subjected Dr. Bliss to a lengthy cross-examination regarding the medical record which Dr. Reyburn had kept of the case of President Garfield. The latter, later in the day, assisted Dr. Bliss to read this record, it being very difficult for Dr. Bliss to understand the chirography of Dr. Reyburn.

CHAPTER IV.

An Attempt to Kill Guiteau in the Prison Van.—A Man on Horse-back fires a Shot through the Van.—Guiteau only Slightly Scratched.—The Assassin's Account of the Shooting.—Arrest of the Assailant after an Exciting Pursuit by the Police.

AFTER the attempt of Sergeant Mason to shoot Guiteau at the Old Capitol prison, many threats were uttered by persons who claimed that they had sworn a solemn oath to kill the assassin at the first opportunity. The Court had taken ample precautions to guard the prisoner from any violence, and this was, it is supposed, the main reason why Judge Cox permitted the prisoner to sit alongside of his counsel and his sister, Mrs. Scoville, during the proceedings.

This resentment toward the prisoner was but a natural consequence of the scenes which were daily enacted in the court-room. The crowds from day to day became larger, and they muttered threats proportionately louder. When the report came from the court-room that Guiteau had calmly scrutinized the section of his victim's vertebræ, and that the defence had raised the question of malpractice with Dr. Bliss on the stand, the indignation and turbulence of those without seemed to greatly increase.

The inflammatory condition of the public mind was illustrated by an incident that occurred about the same time. At about ten o'clock a young man rushed into police head-

14

quarters gasping for breath and dripping with perspiration, and stated that additional police-officers were needed at the City Hall instantly. After the delivery of his message he made a hasty departure. There were a number of people loitering about at the time, and a rush was made for the City Hall. Captain Vernon and several lieutenants started upon Four and a Half street, and in a moment the news was on a hundred lips that Guiteau had been killed, or at least mobbed, in the court-room. The rush that followed from all directions was tremendous. The excitement was suddenly moderated when Captain Vernon came out of the court-house with a relieved expression and stated that, as the officers had not been able to keep back the crowd, a messenger had been sent to inquire at headquarters whether four more officers could not be detailed as soon as practicable. There was a consciousness of this state of public feeling in the prisoner himself on that morning.

When the court adjourned, however, there was no more demonstration than the usual hoots and yells of the crowd, which seemed more for the purpose of scaring the prisoner than anything else. It was observed that a few determined-looking men were closely about the van when Guiteau stepped in, but the policemen were thickly distributed about; and if any idea had been entertained of an attack, the strong guard dispelled it. The officials had considered this point the weakest and the most probable place of any assault. The man Bethard, who was arrested for wanting to kill Guiteau in the court-room on the day of the arraignment, and who was again arrested on that afternoon, said that if his friends would not give bonds for him he would have to give up the idea of killing Guiteau. He said he had the good-fortune to secure the loan of a good

six-shooter, but took a little too much whisky before he got down to the court-house and was locked up. He remarked that there were plenty of good chances to shoot Guiteau without shooting anybody else when he was being taken to and from the van; he also described how it could be done. He said there was half a million in it for any man who would shoot Guiteau, and his State, Ohio, would go that much. In answer to a question, he said that he was playing for this stake.

Shortly after the adjourning of the Court on Saturday, the 19th day of November, an exciting rumor spread rapidly over the city of Washington that Guiteau had been shot in the prison van while being conveyed to the Old Capitol jail. The route from the court-house was along broad avenues, the driver usually going through the northern end of the Capitol grounds until he reached East Capitol street, which is as broad and as long as an avenue, the smooth pavement giving the horses an easier task in pulling the heavy vehicle to the jail.

The startling report came through the telephone in the Capitol, the nearest point of communication, the attempt to kill Guiteau having taken place opposite the east front of the building, near the corner of East Capitol and First streets. When the prison van was first used to transport Guiteau to and from the jail a guard of mounted police escorted the prisoner, but later the ordinary guard of a policeman on front with the driver and a deputy marshal on the steps of the van had been considered sufficient to protect and deliver their charge safely at the court-house, and it seemed incredible, therefore, that the report could be true unless a body of armed men had taken advantage of the open country between the erd of East Capitol street

and the jail, which was during the war a great camping-ground.

When Guiteau was put in the van there was a man about twenty-seven years of age on a sorrel horse within a few feet of the vehicle. He followed at some distance, and when it had reached the intersection of East Capitol and First streets, about three-quarters of a mile from the courtnouse, he stopped his horse and fired into the left side of the van. This caused no little confusion, and as soon as the policeman returned the fire there was a general rush of people to the scene. Deputy Marshal Perry Carson, who stood on the steps, and Policeman Edelin, who rode with the driver, constituted the only guard. Had there been a mounted officer with the van, it is hardly probable that the attempt to shoot Guiteau would have been made.

Guiteau was standing in the front of the van looking through the small hole of the vehicle, a policeman being on the left and the driver on the right of the seat. The colored guard, Perry Carson, was on the steps at the back of the van. The man who fired the shot followed the van five or six blocks from the court-house, and could see Guiteau from the aperture in the rear of the van. In order to avoid the risk of firing at him from behind and hitting some one else, he rode up to the left of the vehicle, and after getting alongside where the prisoner was supposed to be standing discharged his pistol; but, as he miscalculated Guiteau's exact location, the ball penetrated the side of the van about a foot in front, grazing the top of his left arm two inches below the elbow, making a flesh-bruise, but no wound. Guiteau's coat and shirt-sleeve were torn by the bullet, which, striking the opposite wall of the van, rolled down on the floor, where it was found.

When Guiteau found that he was shot at, which he realized at once, he crouched down in the bottom of the vehicle, not knowing but what this was the first demonstration by a mob. He cried to the driver and guard to make for the court-house as fast as possible, the jail being a mile distant.

As soon as the man fired he started his horse at full speed, dashing in front of the van, the policeman rising to his feet and shooting at him. The assailant leaned forward on the side of his horse and urged the animal to its full speed, going up First street toward the boundary. The van at once stopped; but, as the horses were refractory, it was several minutes before pursuit could be given.

James Leonard, the driver of the van, gave the following description of the affair:

"When we left the court-house, I noticed a red-faced man on a sorrel horse who followed along in the rear, but at first there was nothing unusual about his doings. We kept watching him as he gradually neared the van. As we reached the intersection of First street he rode abreast of the van and halted his horse—as I thought, to turn into the other street. As soon as we had passed, to my astonishment he presented a pistol and fired, the bullet crashing into the left side of the van. We were, of course, excited by this unexpected event, and the horses of the van began to plunge, requiring my best efforts to manage them. The unknown horseman then rode a little to the front, and I am sure he was going to shoot either me or Policeman Edelin. The policeman said, 'You scoundrel!' and drew his own pistol. As soon as Edelin got to his feet he levelled his pistol and fired at the horseman. The assailant, dropping to the side of his horse, galloped up Firs street toward the boundary. He got three blocks the start of us, but I turned my horses and put them out in full speed. We gradually gained on him, but did not get near enough to do any good. At the time he shot into the van a crowd of boys was yelling and hooting around the vehicle.

"The chase, which continued for six or eight squares, was very exciting. The noise caused several teams that were on the street to run away. We yelled as loud as we could, and the people sprang out to see what was up. The fleeing horseman motioned them back with his hand, and they obeyed, as if afraid he would do them some injury. Of course they did not know what was the cause of this novel chase, where a prison van, like a small locomotive, was pursuing an armed horseman. The horseman was dressed in brown clothes, and looked like a country person. The ball penetrated the side of the van, and after grazing Guiteau's arm fell to the floor, where it was found. Guiteau was a little frightened when he reached the jail.

"Guiteau did not at first know he had been shot; he thought that only his coat had been pierced by the bullet. We did not stop until we reached the jail. Guiteau, when he discovered the cause of the shooting, said to Warden Crocker, 'Where's your body-guard now? Inform Major Brock, chief of police, and tell him to catch that man and deal justly with him. I can't protect myself in here. Tell Detective McElfresh to hunt him down and bring him to justice.'"

A messenger carried the news of the shooting to District Attorney Corkhill, who was in his office with Mr. Davidge. These two gentlemen at once visited the jail, where official inquiry was made into the affair, and a consultation held with Warden Crocker in regard to the future protection of the prisoner.

J. W. Guiteau, the prisoner's brother, was down town at the time of the occurrence. Mr. Scoville, hearing of the attempt to kill Guiteau, went with his wife immediately to the jail, where they visited the prisoner. They found Guiteau in his bed, tranquil in mind and unusually calm. He expressed himself to the effect that the Lord was still shielding him. He said, "The Lord is taking care of me and looking out for my case, and for the third time has saved my life," referring to the attack made by McGill and Mason. To the jail-officials he remarked: "The Lord has saved my life so often I think it time the Government was taking steps to give me an escort that will prevent any more attempts upon my life."

As the police suspected that the man who fired at Guiteau was a farmer named William Jones, who lived about two miles north of the city, a detachment of mounted men were at once sent in search of the fugitive. Jones, instead of going home, rode out near Bladensburg, and is said to have told several persons of what he had done. By dint of careful inquiry and describing the man an officer soon got on the trail, but did not recognize Jones when he met him. Jones was very communicative, and at last the officer told him he would arrest him. Thereupon Jones put spurs to his horse, and, falling on one side, whirled his steed into the woods and made good his escape. The officer fired at Jones, but the bullet went wide of the mark. This increased the vigilance of the pursuing-party, which scoured the country in every direction, so as to make

sure of surrounding him. Between eight and nine o'clock in the evening Officer Cole met a man in Mr. Lyons's house, out on the Bladensburg road, but did not know who he was. After talking a while he discovered that it was Jones, and at once arrested him. He brought the prisoner to the Second Precinct station, where he was locked up in a cell.

The correspondent of the New York *Herald* thus speaks about this attempt to kill the miserable assassin:

The reported attempt upon the life of Guiteau was the talk in all parts of the city last evening. The first reports came in a very incomplete way, and, while they gave the general fact that an attempt had been made on the life of the assassin, they yet differed very widely as to the details. At the hotels and the clubs the event was talked of in all its aspects, and, while opinions differed very materially on many points, there was not heard anywhere an expression of regret for the man Guiteau. He is universally detested, and not one expression of sorrow for the possible victim was to be heard. Everybody wished him dead and out of the way, but the bullet of a self-appointed executioner was not approved of as a means of getting rid of the assassin of President Garfield. One prominent man of business in this city at the Union League Club said of the reported shooting of Guiteau outside the court-room in Washington, "I am sorry it should have taken place, for it can only add to the wretchedness of the whole thing. We are disgraced as a nation by such an occurrence.

"What will foreigners think of us? The assassination of the 2d of July was a dreadful calamity, but then we can look upon that as the freak of a lunatic or the desperate act of a dangerous and baffled man. But now, when that man is on trial for his life and the judicial hearing is proceeding in a regular way, and with no danger of any but a perfectly just and fair conclusion, to have some one take upon himself the office of executioner is entirely inexcusable. It regins to look as if we were in fact a lawless community. Here we have had Bull Run Russell just coming back from a transcontinental trip and making a report so highly colored that one would think pistol-firing was the ordinary sport of our people, and then, as a sort of clincher in the way of corroboration, this Washington fool steps up and insults every law-abiding citizen of the land by his act. It should be condemned in the most thorough manner. As I understand it, the wound was not a fatal one, and, while we are spared the humiliation of a second irresponsible and causeless assassination, I do not think there is a single sensible person in the United States who has a doubt that full and thorough justice will be given Guiteau, and that he will meet his full deserts. Why such an act as this last one? It is even more senseless than the event which has made his trial necessary. It is a bad precedent, and when the report gets abroad it will provoke a storm of criticism which a great deal of explanation will not set right. The affair will be twisted in all sorts of ways, and the nation at large will suffer for the doings of one man."

There was a feeling of relief when it was ascertained that Guiteau had not been shot fatally, as was stated in the first reports. One irate individual, however, did not share the general opinion on this point. "I think the man a big fool," said he, "for firing at Guiteau, and he is a bigger fool for not making his work thorough and killing the contemptible wretch outright. There would have been some-

thing to admire in that. Had the man been shot down the next moment after he had fired at the President, every one would have been ready to say 'Amen' and 'Served him right;' but now, when the man is in custody, it seems a little late in the day for any act of swift justice. I would not give much for Guiteau's life if the sentence should not be the capital one, which the people expect; but let us reach that result, and any one who tries to step in only brands himself as a consummate fool, and then to make a failure of his attempt only makes the matter worse. I am sorry he made the attempt, and more sorry that, having set about it, he did not succeed."

A prominent member of the New York Bar, who said he could only speak, as it were, by the head-lines, since he did not know much of the details, said, "It is surprising that any one should forget that Washington is not in the backwoods of Texas, and that Judge Lynch is not a member of the Washington judiciary. Suppose that Guiteau had been removed by this new assassin's bullet, what then? Why, American citizens of every class would be placed under the disgrace of not being able to conduct a simple trial. There could have been no fear that full punishment would not have been received by Guiteau; for if there is one wish that is held by every one in the country, it is that the slaver of President Garfield should be hanged, and nobody, so far as can be judged from the facts already made public, doubts such a finish to the present trial. To shoot at him now merely shows that there is some other simpleton as crazy for notoriety as Guiteau himself. That is about the whole explanation of it; and to have the shooting take place at the very threshold of the court of law only adds to its infamy. He should be punished, whoever he may be—not so much for sending a bullet at that miserable cur Guiteau, but for setting at naught the authority of the nation. It was at the whole scheme of our judicial law and order that the shot was fired more than at the prisoner at the bar before Judge Cox."

One of a group of gentlemen at the Windsor Hotel, after the reading of a despatch contradicting many of the sensational details first sent on, said of the occurrence, "It should be met with sharp rebuke, in order to increase respect for the law. Guiteau was under the protection of the law just as much as any of us; and if he is treated in this way, he will become a martyr in place of a criminal. Guiteau is a patient man, and he can wait; and if the people at large will only bide their time, they need have no fear of hearing that Guiteau gets anything short of the hanging which he deserves."

One man, who ventured the suggestion that the shooting was a scheme to get Guiteau out of the way in order to prevent damaging evidence being brought forward by the defence and the implication of prominent men in the assassination of President Garfield, was laughed at for his view of the case, and the general impression was one of indignation that any one should have cast such a stigma upon American law.

The Philadelphia *Times* comments on the attempt to avenge the murder as follows:

The attempt to kill Guiteau was evidently premeditated, and it very probably indicates a settled purpose to "avenge" the murder of Mr. Garfield by a more summary process than is provided by law. Public sentiment quite generally regards Guiteau very much as a mad dog might be re-

garded—as a thing to be put out of the way. And, with a certain important restriction, this is not altogether an unwholesome view of the matter, the restriction being that the fellow is not to be put out of the way by any chance volunteer, but by officers duly authorized for that duty If the right principle of penal justice be borne in mindthat the sentence is not for the punishment of the criminal, but for the protection of society—there will be no room for the false sentiment by which justice is often defeated. and therefore no need to resort to extra-legal measures to dispose of the criminal. It is of less importance whether Guiteau should be hanged or permanently incarcerated than that he should be put out of the way in a lawful, orderly and decent way. The idea of "vengeance" upon such a miserable wretch is repulsive to every right sense, and all the exaggerated importance that is thus given to him only defeats what should be the sole object of society in dealing with criminals of his class-to deter other people like him from contemplating like crimes.

An editorial of the New York *Herald* of the 20th day of November on the same subject reads as follows:

The sensational story from Washington in reference to the attempt to shoot Guiteau will be read as one of the incidents of a sad tragedy. It is difficult to form a temperate judgment upon the incidents attending and following the assassination of President Garfield. History fails to show a parallel to so grotesque, so unnatural and so despicable a crime. Beginning with the assassination of the President, the homely domestic circumstances attending his departure from the White House, the cowardice of his murderer, the long-meditated and coolly-prepared attempt, the

following days of suffering and anxiety, the awful death,we remember the affectionate sympathies that came from the civilized world for the family that had lost its head and the nation that had lost its chief. Perhaps no human being since Judas has had concentrated upon his soul the just indignation of civilized men to such an extent as this miserable wretch Guiteau. His character is without a redeeming trait—without honesty, mercy, charity, humility or forbearance; without the slightest regard for any law, human or divine; absorbed in his malignant, devouring egotism, and living alone for vanity and crime. We may look through the range of history and through the still wider range of fiction for one who resembles Guiteau. Nothing that the man has written or said—his letters to the President and Secretary of State when seeking office, the manifestations in the court of justice—shows the slightest quality that appeals to our sympathy. He stands pre-eminent among the monsters of our modern civilization.

This concentration of villainy, depravity and heartlessness has generated the sentiment among kindly people that Guiteau is a monomaniac, an insane person. Many of those who regarded with the deepest sorrow the assassination of our illustrious and amiable President were disposed from humanity to say that the only explanation of Guiteau's crime would be that he was irresponsible before the law, and that the deplorable fact that his hand should have taken the life of the President was a circumstance to be regarded even as though the President had been bitten by a dog raging with hydrophobia, and to be deplored as one of the inscrutable decrees of Providence. It is difficult to reconcile this theory, which does justice to the humanity of those who cherish it, with the demeanor of Guiteau be-

fore the Court. We have seen him now for several days in peril of his life, in the presence of a jury of his countrymen, tried by a judge noted for courtesy and patience, prosecuted by lawyers who perform their painful task with humanity, defended by lawyers who give his case a devotion which the admirers of a Charlotte Corday would respect, behaving with insolence, depravity and cowardice. How far is this the prompting of insanity or the premeditation of a thoroughly bad man who knows enough of the law to defy justice? It is clear that Guiteau knew that he was committing a crime, and that he now feels his responsibility. Whatever may be the result of the trial, the judgment of the wisest men will be that this man was in every respect a murderer, that he knew the consequences of assassination, and that he was driven to his crime by the impulses of a depraved and wicked heart.

This being the opinion of those who look upon Guiteau's case calmly, there can be but one opinion as to the attempt to take his life. It is the glory of republican institutions and of those who live under a constitutional form of government, where justice is sacred and the forms of justice are consecrated by law and tradition, that no criminal shall be condemned except by due process of law. Even those who deplore the President's death most keenly have hoped that the punishment of his assassin would be a monumental exhibition of American justice. It is to the credit of the American people that, much as they deplore the death of Garfield, they have insisted upon such a trial of Garfield's assassin as would show the world that the life of the poorest citizen who stubs his way through the world—the negro on the plantation or the Chinaman in the mining-camp-is as much under the protection of the law as the life of the

chief magistrate. The universal sentiment that Guiteau should have a fair, just and generous trial is to be remembered to our credit as a nation. If the sympathy of the people could have found honorable expression in an act of punishment or revenge, Guiteau would have been hanged within twenty-four hours after the commission of his crime. But such a deed, however much it might commend itself to our sense of retribution, would have been a foul blot upon justice. This sentiment has been confirmed by the patience of the Judge who tries Guiteau, of the lawyers who prosecute him, of the jury who decree his fate. We cannot too highly commend the forbearance shown by all who take part in this prosecution, and because of this we cannot too strongly condemn the cowardly attempt to take Guiteau's life. Garfield's memory can have no higher honor than that the man who slew him should be tried as a citizen and condemned under due process of law. It will be an everlasting disgrace to American justice—a disgrace which the world will not fail to note—if an attempt like that of vesterday should prove successful. This contemptible and degraded wretch should be tried according to law. If insane, let him be treated as the law directs for insane men-for men who, in the quaint phrase of the law, rest under the visitation of God; if guilty, let him be hanged as a consummate villain

Justice requires that the attempt to slay Guiteau should be tried with as much sincerity and severity as the attempt to slay the President. Before the law all men are alike. "For justice," it is said, "all places a temple and all seasons summer." The attempt upon Guiteau's life was cowardly. We comprehend the emotions which would lead any man to kill Guiteau. There were circumstances around the trial

yesterday which may extenuate the attempt. 'There was on the witness-stand the doctor who watched over the suffering hours of the dying President; there was the sad, tragic story of his death; there, before the jury, were exhibited the President's very bones—melancholy, pathetic, sacred emblems of his honored and glorious life. We can understand the indignation which these exhibitions would inspire, and that it might rise suddenly above law. All the same, the attempt was a crime. While we comprehend this, we see how the nation is dishonored by the crime.

It will be a stain upon justice deplorable in the last degree if this man should not have a fair trial. From this point of view, there can be no condemnation too severe for the person who sought his life. The cowardice of Guiteau is not a matter of surprise. In reading the story of his trial, the daily manifestations of brutality which he has shown in the presence of the Court and jury, we are reminded of one of the most vivid incidents in Rob Roy. When the despicable wretch Morris was brought before Helen MacGregor, our readers will remember that he fell and made an effort to clasp her knees, "from which she drew back as if his touch had been pollution; so that all he could do in the utmost extremity of his humiliation was to kiss the hem of her plaid." "I never heard entreaties for life," says the narrator, "poured forth with such agony of spirit. The ecstasy of fear was such that, instead of paralyzing his tongue, as on ordinary occasions, it even rendered him eloquent, and with cheeks pale as ashes, hands compressed in agony, eves that seemed to be taking their last look of all mortal objects, he protested his total ignorance of any design on the person of Rob Roy, whom he swore he loved and honored as his own soul." "He prayed but for life:

for life he would give all he had in the world. It was but life he asked—life, if it were to be prolonged under tortures and privations; 'he only asked breath, though it should be drawn in the lowest caverns of their hills." The sentiment of the American people toward Guiteau is expressed in the words in which the writer of this famous fiction tells of the demeanor of Helen MacGregor: "It is impossible to describe the scorn, the loathing, the contempt, with which the wife of MacGregor regarded this wretched petitioner for the poor boon of existence." At the same time, we trust that the trial of Guiteau will not be conducted upon the fierce theories of Highland vengeance, but upon the high and lofty plane of American honor and American justice, that the murder of Garfield will be punished to the full extent of the law, and that the misguided person who attempted to avenge that murder outside of the law will receive the justice which is master of us all.

Jones, who attempted to kill the wretch Guiteau, was released on bail the next day, and is awaiting trial, as well as Sergeant Mason, who tried to shoot the assassin at the jail.

On Sunday a reporter of the Washington Post had an interview with Guiteau, which he describes as follows:

On entering the jail the reporter found the main corridors well filled with men and women, most of them of social standing, each one fired with a desire to see the most noted criminal of the nineteenth century.

"Visitors have been coming and going all the day," said one of the deputy wardens. Only a few of them, however, caught even a glimpse of Guiteau. He has kept closely to his cell, and seems to be in a meditative mood.

Religious services were held in the jail this morning, but Guiteau took no interest therein. He remained in his cell."

"Does your wound hurt you?" asked the reporter of Guiteau.

"Not in the least," replied the assassin. "Why, it's a mere abrasion; it didn't hurt from the first. The man intended to kill me, but the Lord interposed and saved me from harm. Take a look at the wound."

Here the assassin pulled off his coat and rolled up the shirt-sleeve covering his left arm. Right in the crotch of the elbow was an abrasion that looked like a slight bump. A ten-cent piece would have hid it from sight.

"By the way," continued the assassin, "all the Washington papers have done me a gross injustice in reporting that during the trial yesterday I smilingly handled the section of President Garfield's back-bone introduced in evidence."

"Did you not critically examine the ghastly relic?" asked the reporter.

"I did not," said the assassin, in an earnest voice.

"My counsel, Mr. Scoville, had it in his hands, and it attracted my attention. I softly whispered to him, 'Is that part of Garfield's bones?' and Mr. Scoville nodded his head in the affirmative. I did not poke my finger in the hole—didn't even point my finger at the bone. I want you to make this correction for me. The report as published tends to incense the people against me."

"Did you have any acquaintance with Bill Jones, the man under arrest for trying to kill you?"

"I never saw, and don't want to see, him, or any one else of his stripe. He must be a lunatic or a bush-whacker"

"Do you stand in dread of any further attempts on your life?"

"I have no anxiety as to the future; I am in no fear. The Lord and the metropolitan police will guard me from all harm. The Lord will protect me in the future as he has preserved me in the past. He is using these people to serve his purpose, and hence comes my protection. The issues of life and death, you know, are in his hands, and he never, in working out his plans, gives much reference to the will of man."

"If the Lord guards you with such tender care, why was it the attempt on your life on Saturday afternoon threw you into such abject fear?"

"I was not thrown into any fear; the report was false and slanderous. When I heard the shot I thought that one of the guards had shot himself. Then the horses took fright and ran away. Why, they made the old van buzz. That, of course, caused me considerable trepidation, but I was not frightened."

"Will you appeal to the Court for additional protection?"

"I undoubtedly shall, if the additional protection is not granted without such appeal, as I am informed it will be. I want not less than six or eight mounted policemen to guard the van from the jail to the Court, and in going from the Court back to the jail in the afternoon. Heretofore the mounted police have only accompanied the van in the morning."

"Do you intend to make an address to the Court in the morning?"

"I have no such intention: I don't intend to make any more set speeches. I will in the future get in my

work on the sly by seasonable interruptions and interjections."

"Your lawyers and the Court may have something to say on the subject," suggested the reporter.

"You can just put it down," retorted the assassin, "that I am not going to be muzzled by any suggestion of my counsel or by any ruling of the Court. I may have to say something to the Court in the morning, however," continued the assassin, after a brief meditation. "You see, I understand that Mr. Scoville objects to Mr. Robinson's cross-examination of the doctors. Now, I want them to be rigidly cross-examined."

Warden Crocker here interposed an objection. He did not think the prisoner should enter into criticism of the conduct of his counsel.

"I just want to say this," quickly put in the assassin:
"the doctors must tell their story in full. As I said in open Court, I admit the shooting, but deny the killing. Why, the doctors killed the President, and I intend that they shall share with me the odium of his death."

"Do you intend to insist on the plea of malpractice?" asked the reporter.

"I do not," answered the assassin; "I solely rest my fate on the plea of insanity."

"Do you really consider your act an insane one?"

"I most certainly do. The taking off of President Garfield, from its beginning to its end, was an insane act."

"You surely do not maintain that you are insane at this moment?"

"I maintain-"

Here Warden Crocker emphatically put his official foot down upon any continuation of the trial.

The guards say that Guiteau passed a quiet night and has talked but little. He spends the most of his time in reading and writing. The guards also say that, while he appears perfectly calm and composed, he exhibits great apprehension about the future, and that he does not appear to be quite satisfied that he will escape violence.

CHAPTER V.

Mr. Robinson, Counsel for the Defence, Withdraws.—The Case of the Prosecution Closed.—Opening of Mr. Scoville for the Defence.—Guiteau Speaks for Himself.—Is he Sane or Insane?

THE second week of the trial brought new and very absorbing incidents. The interest of the public was unabated, and increased, if possible, during Monday, the 21st day of November, when Mr. L. Robinson, the associate counsel, who was assigned to the defence, withdrew from the case, and when, after taking some medical testimony, the prosecution rested its case.

By nine o'clock on Monday, the 21st day of November, there was a large gathering of people before the court-building. When the prison van, containing the assassin, arrived, it was guarded by several mounted policemen, besides the two men that rode on the vehicle. The crowd abstained from any demonstration, though everybody tried to get a view of the handcuffed prisoner while he was escorted into the building.

At half-past nine o'clock the crowd had taken possession of the portico, main hall and corridors of the building. It was in excess of that of any day of the previous week, being largely composed of women and children who as yet had neither seen Guiteau nor even been present at the trial. The doors leading into the court-room were kept closed until near ten o'clock, and up to that time only ladies and

persons who had tickets were admitted. The crowd in the corridor extending from the eastern portico to the Marshal's room was so dense that the reporters could not get through. When the jury, in charge of three court-officials, had made its way through the long basement-hall to the stairway that leads to the rooms above, further progress was found impossible because of the crowd that had already swarmed up the steps. This gathering was probably as dense as that which was jamming up the halls and corridors above. A deputy marshal halted the jury, and then went in search of policemen to remove the people in this stairway, so as to make a passage. Owing to the jam, the jury had to wait fifteen minutes before the police came and under the direction of Deputy Marshal Williams raised the blockade. While waiting for the stairway to be cleared the jury was conducted into a retiring-room. A number of ladies and several men were so intent upon getting up stairs that they followed the jurors, thinking that they were going up a secret stairway, but a deputy marshal stopped them. Half a dozen policemen then began to clear the stairway, which was found to be no easy work. Several persons in the crowd were jammed against the wall, and their cries could be heard below. There was a general scramble, but it was impossible for the more unfortunate ones to extricate themselves from the dense crowd. They had, therefore, to endure the painful pressure until the police removed the blockade, two or three persons at a time being taken out. At last a sufficient number of persons were removed to afford an aperture through which the jury and half a dozen newspaper correspondents were enabled to mount the stairway and gain access to the court-room. The scene in the main hall and corridor up stairs was equal to that in the basement. Men,

women and children, many with their lunch-baskets, were jammed together in inextricable confusion. The stouter men and more active boys hunched the weaker, and were not mindful of the additional discomfort they gave the ladies and children. Quite a number of the latter were bruised by the pressure against the walls of the building.

When the doors of the court-room were opened, there was a repetition of the scenes so frequently witnessed the previous week. In their haste to get into the room and secure seats several persons were shoved down, but no one was injured. As usual, there was a large number of ladies, boys and girls among the spectators. Persons stood in window-sills, and all available space was, of course, occupied.

Hardly had the spectators been seated and the Court been opened by the crier when the manacled prisoner entered the room, and was conducted to his seat by the officers. Guiteau's entrance produced an effect like that witnessed in a theatre when a great actor for the first time makes his appearance. The prisoner did not quail, nor did he manifest the least concern. He maintained that same indifferent, "don't-care" composure which has characterized him from the beginning of the trial. The same leaden look and cast of features, so destitute of any expression, and the careless attitude which have been observed heretofore were noticeable.

As soon as the Court was formally opened, Mr. Leigh Robinson, associate counsel for the defence, rose and said that his own self-respect required him to notice a statement in the Washington *Post* of the previous day, in which Mr. Scoville was represented as finding fault with his line of cross-examination of Dr. Bliss on Saturday looking to the plea of malpractice, and as saying that he would ask the

Court to relieve him of Mr. Robinson's association. Mr. Robinson reviewed his early connection with the case, intimating that only a high sense of duty prevented him from long since asking the Court to relieve him. If he had acted upon impulse, he would have asked the Court some time ago to relieve him from the case; but he did not feel at liberty to follow his inclinations, far less his impulses. Reflection had satisfied him that it would never do to desert in the midst of trial a defendant under such a ban as man had never rested under upon this continent except on the ground which all men must say left him no other choice. But in the Washington Post there was an interview with Mr. Scoville, in which that gentleman had stated that he (Mr. Robinson) had gone into the question of malpractice without his knowledge or consent, that he (Mr. Scoville) had called upon him to ask him to leave the case, and that, not finding him, he would ask the Court to retire him (Mr. Robinson) on Monday morning. Mr. Scoville had also stated in that interview that he would retire from the case if Robinson did not.

Mr. Robinson then proceeded to state that Mr. Scoville had been present while he was cross-examining Dr. Bliss, and had made no objection to his questions, and in conclusion said: "And now, please Your Honor, I have to say that I am not accustomed to learning from an associate counsel his objections to my examination of a witness for the first time from the paper of the following day. The same counsel who thinks it such a breach of etiquette for me to make, without consultation with him, a motion which originally had his concurrence and approval esteems it no breach of etiquette to announce his concurrence with me in the expediency of my retiring from the case through the

columns of the press. It is unnecessary to say that I can have no further association of any kind with such a counsel; it would be impossible for me to remain in this case unless he were to go out of it; and as I conceive that, from his relations to the accused and from his knowledge of the facts of the defence, he is indispensable to the defence, 't only remains for me to ask that I be instantly relieved. I will add that no odium attaching to this prisoner, no animadversions of the public, no difficulty of the case, no sacrifice required from it, would ever have induced me to abandon this defence."

The Prisoner (interrupting impetuously). I want Mr. Robinson to stay now.

Mr. Robinson. I only ask to be relieved because there is no other alternative, and, insomuch as I can no longer continue in the honorable discharge of the trust committed to me, I must ask Your Honor to give me an honorable discharge from it.

The Prisoner. That is an able speech, and I agree with most of it. If it had been made last Monday, there would have been no disturbance between us. I sympathize with Robinson, not with you [Scoville], in the matter of malpractice. He has got the true idea of it.

Mr. Scoville replied to Mr. Robinson's speech, regretting that any difficulty had arisen between them, and attributing it to their different dispositions. He complimented Mr. Robinson on the ability which he had shown in arranging the defence, but made no opposition to his retiring from the case.

The Court. The thanks of the Court are due to Mr. Robinson for the promptness with which he responded to the request of the Court and participated in this defence at

a great professional sacrifice, as I know, and nobody questions his professional ability and the sentiments which governed him throughout. I perceived from the start that he was placed in a position of unpleasantness, and I have felt recently that I ought, if he desired it, to relieve him from connection with the case, especially as I perceived that Mr. Scoville was thoroughly master of the case. I feel constrained to grant Mr. Robinson's application and to grant him a most honorable discharge.

Mr. Scoville. I do not anticipate being entirely without assistance, because I am still negotiating with a gentleman from Chicago.

The Prisoner. I understand that Judge Magruder is anxious to assist in the defence. I have sent him public notice that I want him, also John D. Townsend of New York-not John B. And, again, I desire to hear from those gentlemen, either publicly or privately. I wrote them publicly to meet me here, also Mr. Trude and Mr. Swett of Chicago. On the question of malpractice [broke in the prisoner after a pause], we do not propose to insist on that here, but I desire the record to show that I appear here in my own capacity as counsel. The idea of malpractice is this-that according to the physicians' statements the President was not fatally shot on the 25th of July, at the time they made the official examination and said he would recover. If he was not fatally shot on the 25th of July, we say that his death was caused by malpractice. We do not desire to press that, but I desire it to go on the record for the Court in banc if necessary. (After a pause): My defence here is that it is the Deity's act and not mine, and I expect that he can take care of it. He has taken care of it very well so far. (Laughter.)

Mr. Robinson then left the court-room. As he was walking toward the door Mr. J. W. Guiteau stepped up to him and shook him warmly by the hand.

The first witness examined on that Monday was Joseph K. Barnes, surgeon-general of the United States army, who testified that he had assisted in dressing President Garfield's wound from the 3d of July to the 7th of September, that he was present at the autopsy, and that the wound was mortal and was the cause of Mr. Garfield's death.

Substantially the same testimony was given by Dr. Joseph D. Woodward, surgeon United States army.

Dr. D. S. Lamb, acting surgeon United States army, testified that he had made the autopsy; that the gunshot wound was the cause of the death; that he had examined the records, and had found no case of an injury to the same extent in which the man had recovered: it was a mortal wound.

The District Attorney announced that the prosecution here closed its case, except that he wished it to go on the record that Elberon was in Monmouth county, in the State of New Jersey, and that the railroad dépôt where President Garfield was shot was on a public reservation belonging to the United States.

Dr. Lamb, by request of Mr. Corkhill, produced the bullet which Guiteau fired into the President. He opened a large envelope, sealed with red wax, which contained the following paper, the bullet secured to it by a wire:

"I hereby certify that the within pistol-ball was, in the presence of Surgeon-General J. K. Barnes, Surgeons J. J. Woodward, Robert Reyburn, Frank H. Hamilton, J. Hayes Agnew, S. C. Boynton, D. S. Lamb (who made the autopsy), General D. G. Swaim, Colonel A. F. Rockwell

and Mr. C. O. Rockwell, taken from the body of James Abram Garfield, late President of the United States, at the post-mortem examination held in Francklyn Cottage, at Elberon, N. J., during the afternoon of September 20, 1881.

"D. W. BLISS."

The bullet, which is indented and partially flattened on one side and end, was shown to and examined by the jury. According to the testimony of Dr. Bliss, this bullet was found in a basin at the time of the autopsy. Mr. Scoville did not ask any of these witnesses a question. Guiteau was engaged in reading a paper, and did not appear to take any notice of the bullet.

Mr. Scoville then suggested that the prisoner should be heard in his own behalf at this stage of the proceedings.

The Court assented.

The Prisoner (without leaving his seat). I was not aware that I was expected to speak this morning. (To Mr. Scoville, who whispered to him to stand up): I will not stand up. I am not afraid to, however, but I have only got a moment to speak.—I do not care to say anything more than was published in my address last Monday afternoon in the Evening Star. That paper was addressed to Your Honor and the public, and I presume that most of the jurymen have heard it. I have no set speech to make. So long as I appear, in part, as my own counsel, the best way is for me to make corrections as the case proceeds, just as I have done during the last three or four days. I meant no discourtesy to anybody in the case; I only want to get at the facts. If somebody says that I owe him twenty dollars and it is not true, I will deny it on the spot simultaneously with the false charge, and that as the case proceeds. Of course I will go

on the stand at the proper time and be examined and cross-examined. My idea is, however, to correct a misstatement while it is hot and at the moment the statement is made, and that disposes of it, instead of waiting a number of weeks till the matter is digested and misunderstood. A great deal of the bad feeling in this matter has come from enforced silence or from the suppression of my papers. I think that the true way is to interject statements as the case proceeds. I have no set speech to make. I am much obliged to Your Honor and my counsel for the courtesy of the invitation.

Mr. Scoville then proceeded with his address to the jury in a plain, easy, matter-of-fact style and without the slightest effort at oratory or sensationalism. He criticised the course of the District Attorney in presenting the testimony so much in detail. The simple questions in the case were whether the prisoner had committed the act (which was not denied), and whether he was at the time in such condition of mind as that he should be held responsible for the act. On this point there would be a great deal of expert, and therefore contradictory, testimony. The jury should note carefully the expert witnesses, hear their testimony, see how they stand examination and cross-examination, and then come to the best conclusions they could arrive at. The difficulty would come when the jury came to weigh the evidence on both sides. The jury should then consider that the experts on the part of the Government are being paid one hundred dollars or two hundred dollars a day, and that even these scientific men have not reached that height beyond passion and feeling and love of money as that those things could have no influence whatever on their feelings or their judgments. On the other hand, not a single expert

witness for the defence would be paid, and their testimony, if in favor of the prisoner, would expose them to condemnation and ostracism in the community where they reside. These were things to be taken into consideration in weighing the expert testimony. The popular feeling against the prisoner had been manifested in three separate attacks upon his life; the last one was being commended by the newspapers all over the country. That popular feeling would also show itself in the testimony of the expert witnesses. He contrasted his own inexperience in criminal cases with the experience and ability of the counsel for the prosecution, and in view of this disparity he asked the jury to be considerate and candid toward the defence. Still, he did not ask for any odds when it came to questions of fact. He expected that the defence would erect an impregnable wall and fortress which all the power of the other side could not overthrow. If he came short in his law, he knew that he could rely confidently on the Court's learning, integrity and sense of justice. With the array of facts which he would present, an honest jury and an upright judge, he felt that he was not entirely at a disadvantage.

At this stage of his address Mr. Scoville asked that the case should go over till the succeeding day, and it was so ordered.

When the Court adjourned Guiteau was taken to his room, and waited there until one o'clock, when the van arrived and took him back to jail. A large crowd collected around the court-house to see the prisoner removed. While waiting for the van a hot lunch was served to the prisoner. He was also provided with pen and ink, and wrote his autograph for several persons who applied for it. Neither his appetite nor his vanity seemed to be diminished by his va-

ried experiences. He ate very heartily and wrote his autograph with a bold flourish, as though he was proud of the name he bears. The crowd about the east wing meanwhile kept augmenting, and when the van arrived extended to the middle of the roadway; there was also a line of spectators on the opposite side of the street. This crowd included many ladies, who watched the proceedings with operaglasses. The prisoner was brought out through the basement, and was almost completely hidden from the crowd by his guards. As soon as the door closed upon him the crowd hooted and yelled. The van was driven rapidly away under guard of a troop of mounted police. The journey to the jail was accomplished without incident.

The experience of the previous day, when people were jammed and bruised and many were unable to reach the court-room at all, on Tuesday, the 22d day of November, apparently prevented a larger crowd from gathering in and around the court-building. Of course the crowd was large in the main hall, but there was no fighting for space and no jamming, as on the previous day.

When Guiteau entered the court-room, he carried the customary bundle of newspapers in his hand. When the handcuffs were unlocked, he opened the table-drawer for the officer to put the handcuffs in until the recess at noon. Guiteau's movements were intently regarded. He was more subdued in appearance than had been noted heretofore, and at times his leaden features seemed stirred with despair. He would write a while and then look at Mr. Scoville, who was addressing the jury. He interrupted the speaker repeatedly to correct what he conceived to be erroneous statements. Whenever Mr. Scoville said anything at all complimentary to the conduct and ambition

of the accused in former life, Guiteau would smile and give unmistakable signs of delight.

Shortly before ten o'clock the counsel for the prosecution entered, and a few minutes later the Court was called to order.

Mr. Scoville took his stand in front of the jury, and in a deliberate and conversational tone continued his address. He called the attention of the jury to the defence set up—insanity. There was, he knew, considerable antipathy against that defence in criminal cases, but he asserted that it was put forward as a just defence quite as often as it had availed as an unjust defence. He expected the jury to treat it fairly and candidly, and to weigh it upon the evidence. The prisoner, since he had been in Court, had done many things which might have influenced the minds of the jurors. They might already have come to a conclusion as to what sort of man the accused was. The jurors should keep their minds open; so that when the sworn evidence was produced before them, they could weigh it and accept what was shown to be the fact. He proceeded to state the progress of the courts on this question of insanity, explaining the various kinds of insanity and citing decisions on the subject. It was the duty of the jury to ascertain the fact whether the defendant was trying to deceive or not, because, if not, he was entitled to the protection of the law. In the first place, it was a very difficult thing to feign insanity so as to deceive experts. It would appear from the evidence that the defendant did not know anything about insanity, had never visited an insane asylum, and had never given the subject any thought or attention. Yet it was said that he was simulating, and the newspapers and a good many people in the community had been as

hasty in passing judgment on this subject as on others. If the newspapers were correct, the District Attorney himself had repeatedly said that the prisoner was only feigning insanity. It was absolutely impossible for a man who never knew anything about it to feign insanity so as to deceive an expert.

Mr. Scoville, continuing, said that, having been acquainted with the defendant since he was a boy, the first thing he had said when he heard of the act was, "He is crazy," just as many others had said, just as President Garfield had said, "What is the man doing? He is crazy;" just as Secretary Blaine had said, "Why was this done? The man must be crazy."

The District Attorney. Allow me to say that President Garfield never said such a thing, and Secretary Blaine never uttered such a sentiment. He said he was sane all the time.

Mr. Scoville. I only speak from newspaper reports.

The District Attorney. Secretary Blaine has stated on his oath that he believed the man was sane

Mr. Scoville. I saw these things in the newspapers; that is all I know about them. I merely spoke of it as an illustration, because it seemed to me that it was the first thing to come into a person's mind. Continuing, the speaker dwelt upon the difficulty of a person simulating insanity. A person feigning insanity forgot things and pretended to be muddled and confused; certainly nothing of that kind could be found about Guiteau. He did not profess to forget anything; on the contrary, he professed to remember everything. A person feigning insanity always felt it incumbent upon him to be insane all the time, while one really insane was in different moods at different times. The

former always hesitated in speaking; the latter, never. The prisoner did not act like one simulating insanity.

Mr. Scoville then proceeded to give an interesting sketch of the Guiteau family and its peculiarities as bearing on the question of insanity. The family was of Huguenot descent, imbued with the same intense religious spirit which had led half a million of the best people of France to leave their homes and possessions and go out destitute into foreign lands. The prisoner's grandfather was a physician who settled in Utica, N. Y., over ninety years ago-Dr. F. Guiteau. He (Scoville) did not know whether he could produce any evidence as to the grandfather or grandmother. They had ten children, and some of their very names would show this religious tendency. They were Abraham, Luther (the prisoner's father), Martin (dividing Luther's name between two of the sons) and Calvin. As to a portion of the family he had not been able to obtain authentic information, but he had information as to certain members of it. Two of the girls were Julia and Mary; Julia married a Mr. Raymond, who has settled in Michigan, and Mary married a Mr. Parker. Julia was deranged during the last weeks of her life, her delusion being that her family was going to the poorhouse, although her husband was a very successful and prosperous merchant in Ann Arbor. Among her children was a daughter Abby, who was a bright, interesting girl until fifteen or sixteen years of age, when she began to lose ner reason on the subject of religion. Her first remark to an acquaintance would be, "Do you love Jesus?" She was now in an insane asylum, hopelessly insane. Another daughter of Mrs. Raymond was partially deformed, one side of her head not being fully developed. He did not know how far that might be of importance, but he under-

stood that these things had weight on the question of hereditary insanity. Mrs. Parker (Mary) afterward married a music-teacher, returned to Oswego insane and died in that condition. He did not know what her special delusion was. Mrs. Parker had a son Augustus, who inherited the musical talent and face of his father and the insane taint of blood of his mother. He lived in Chicago, and a disappointment in getting the piano agency of the Deckers of New York threw his reason from its base. He became violently insane, was sent to the insane asylum of Cook county and died there. This accounted for two of the sisters of this family of ten and for their children. As to the other three sisters, he knew very little about them. He expected some witnesses in regard to them, but they had not yet arrived. One of the brothers, Abraham, lived till he was about sixty years of age, and died in Freeport, Ill. During the latter years of his life he was what might be called foolish-not insane, but weak-minded, having no control over himself-and he died in that condition. The second son (Francis W.), while a young man living in the neighborhood of Utica, N. Y., became disappointed in love, and challenged his rival to fight a duel. The duel came off, but the pistols were loaded with blank cartridges. When he came to know that, his mortification and disappointment were so intense that he became insane. He had lucid intervals, but he died in the Bloomingdale Asylum, New York, in the year 1829, when he was twenty-nine years of age.

Another of the five brothers, Luther, was the prisoner's father, and the last survivor of the ten children. While Luther was not insane, he was eccentric and peculiar, especially in his religious views. He was a man of un-

doubted integrity, of excellent disposition, and one whom everybody loved. On the subject of religion, however, he was unreasonable and strange, going to such extremes as might properly be termed insanity. One of his beliefs was for many years that he had come to such a vital union with Christ that he was part and parcel of the Saviour himself, spiritually, and that their union was so complete that he would live on for ever, just the same as the Saviour. He imagined that his daughter, in whom his heart seemed entirely bound up, was going to commit suicide, and he grieved over it and cried over it like a child. At another time he imagined that a great Masonic celebration that was in preparation in Chicago, and which he read of in the newspapers, was for the purpose of his funeral, and in travelling from Wisconsin to Freeport, Ill., he refused to go through Chicago because he did not want any such demonstration made over him. He died in 1880. During the last six weeks of his illness he was deranged most of the time. These were the facts as to the family history.

Now he came to the prisoner himself. His mother was an amiable woman, gentle and affectionate, and his father had the same traits. He was gentle as a woman, loving as a little girl. They lived at Freeport, Ill. The mother was sickly; she had six or seven children, and died at thirty-three. She was twenty-eight when the prisoner was born. Before his birth she was sick with fever, so that the physicians deemed it necessary to shave her head. Her hair was shaved off close, and would be shown here as it was taken from her head forty years ago. The prisoner was born during that sickness. Afterward two more children were born, one of them deformed, and both died in infancy. The mother died when the defendant was seven

years old. There was nothing peculiarly noticeable in him when he was young. His father was an intense religionist, and did not give proper attention to the boy, but the latter nevertheless grew up bright, intelligent, gentlemanly, gentle and loving; he had no wayward ways or habits. about a year he lived with his mother in Chicago, and went to school there when he was about fourteen. Then his father married again, and the son went home to live with his stepmother and helped his father, who was then recorder of Freeport. There he worked for two years, and up to that time there was nothing specially noticeable about him except one or two little circumstances. He could not pronounce the word "quail," but always called it "pail;" so in the little song, "Come Along, Old Dan Tucker," he would always say, "Ped along." As he was old enough to know better, his father one day gave him such a whipping as an intensely religious man can give, and immediately afterward he looked up at his father and said unconsciously, "Ped along." He did not know that these things had any influence, but he merely mentioned them. At the age of eighteen he began to feel the want of an education, and ambition began to stir him. He also began to have his attention directed to religious matters.

His father's attention had been directed to the doctrines of the Oneida Community. He believed in their doctrine of community of goods and of living together in the community. He believed that the religious character of the inmates would be better developed in that way, and that they could better perform their duties and live more comfortably in that way. The father, in fact, had gone from one denomination to another, finding none of them sufficiently advanced to come up to his ideas. He had finally

struck the Oneida idea, and it seemed to commend itself to his mind. He had taken their publications, and had been plying his son with their arguments. But the son wanted to be a lawyer, and wished to go to school. He had a thousand dollars left him by his maternal grandfather, and finally his father told him that he might take this money and go to school. Thereupon he went to Ann Arbor to enter the university; but he was found unqualified, and he went to the high school, where he remained for some months, studying at the same time his lessons, the Bible and the doctrines of the Oncida Community. Finally he left school and went to Oneida, where he joined the Community and put his money (nine hundred dollars) into it. He fully believed that that was the only road to heaven. That was in June, 1860, and he stayed there till April, 1865. All the time that he was there he was convinced that their religious system was the correct one, that it was designed to supplant all the kingdoms of the world, and that he himself was to be the ruler and head of that system. He believed that thoroughly and clearly. That might be said to be egotism. He believed that insane people were often possessed of extreme egotism. Lawrence, who attempted to assassinate President Jackson, believed that he was entitled to the crown of America and of England; and when he was arraigned in court, he asked why he was brought before such a tribunal. He showed just as much egotism as Guiteau did. Of course the leaders of the Community did not recognize his pretensions, but considered him a very common sort of person. Finally, they "sat down on him." He endured the restraints imposed upon him as well as he could till April, 1865, when he told them that he wanted to go to New York.

They fitted him out with new clothes, gave him some books and a hundred dollars, and let him go. His idea was to start a religious newspaper which would advocate the principles of the Oneida Community and revolutionize the world. He went over to Hoboken, where he lived on crackers and a little dried beef occasionally. His paper was to be a daily newspaper, and was to supplant or take the lead of all other newspapers; it was to be called The Daily Theocrat. He worked on that idea for weeks and months. Of course he had no success, and then he went back to the Community, and remained there until November, 1866. The custom which prevailed among the members of the Oneida Community at that time--of meeting frequently in a large hall and publicly criticising one another's actions and behavior-was a custom which Guiteau, with his peculiarities and his egotism, found particularly oppressive. He stood it as long as he could, and then wrote him (Scoville). All this time he had been fretting because he was hampered and kept from doing what he supposed he was fit to do, and what he considered it his duty to do, in promoting the kingdom of God on earth. He had never had any other controlling motive from the time he was eighteen up to the present day than this feeling of religious duty. He went away at night feeling as though he were going away from the road to heaven, and almost involuntarily he turned back two or three times. Yet he persevered and went to New York. For some time afterward he was still wedded to the Community's religious belief, but when he came to reflect upon its practices he finally became convinced that the Community's road was not necessarily the only way to heaven. He spent his time in New York largely in studying theological books, in

reading his Bible, and in visiting the Young Men's Christian Association rooms.

He then commenced studying law, and in a year or two drifted to Chicago and was admitted to the Bar. The gentleman who passed on his qualifications was C. H. Reed of Chicago. Reed asked him three questions, of which he answered two and missed one. That was the way he got to be a lawyer. (Laughter, in which the prisoner joined.) He attempted to practise law, but his practice soon ran off into a collection business. He was a man of great perseverance and intense devotion to a thing, and when he got after a debtor he gave him no peace until the man paid up or got away; so that in that department of business he succeeded well and got a comfortable living for himself and wife, for he was at that time married. But if a man depended entirely on collecting bad debts, and did not have the capacity to bring a suit for a ten-dollar note—to use an illustration made by the prisoner himself recently—he could not maintain his relations with his clients very long. It would appear in the evidence that he could not transact legal business.

Mr. Davidge. Did you say that Mr. Reed moved his admission to the Bar?

The Prisoner (before Mr. Scoville could reply). He gave me my certificate; General Reynolds made the motion.

Mr. Scoville. I said this: A committee of three members of the Bar in Chicago was appointed to examine candidates; after the examination they gave certificates.

Mr. Davidge. Does not somebody make the motion.

The Prisoner. General Reynolds made the motion—the gentleman right behind you.—Go on (he continued, speak-

ing to Mr. Scoville); that is an interesting story and correct in detail.

Mr. Scoville then proceeded with his narrative of the prisoner's life. He stayed in Chicago some time, and as long as he confined himself to the collection of bad debts he got along very comfortably. After the great fire he went to New York, and, being a person of most excellent and gentlemanly address, pleasant and agreeable, he had no difficulty in going among entire strangers and getting collection business. At that time, and at all times, the prisoner was a gentleman, if being gentle in manner, gentle in speech, kind, considerate, constituted a gentleman. When in New York he never visited saloons, never used tobacco in any shape, never drank spirituous liquors, never visited gambling-places, and would not talk with any person who used improper or profane language. He (Mr. Scoville) related an incident of Guiteau's legal life in Chicago, where, in a larceny case to which he had been assigned, he made such a rambling speech that he convinced Mr. Reed, the district attorney, that he was insane.

In 1874 he went to Chicago. His capacity for business (such as it was) began to diminish, and he was not able to support himself. He was not able to pay his board, but that was not a capital crime, nor was it one that he might be shown in the evidence to have told a lie—that he said he wanted money to pay his board-bill when he wanted it for something else.

Mr. Scoville in the further course of his remarks stated that Guiteau had neither the mental nor physical capacity for hard work. Mr. Scoville then related the story of Guiteau's threatening his sister with an axe, and concluded the narrative by stating how the family physician, Dr.

Rice, had been called in and declared Guiteau to be insane, but harmlessly so. Guiteau shortly afterward went to Chicago. About that time Moody and Sankey were holding their meetings; Guiteau became interested in them, and became an usher. Hearing a minister saying one day that he was uncertain about the second coming of Christ, Guiteau applied great study to the subject, and in January, 1879, started to lecture upon it. He met with failure everywhere. His idea was that if he could not pay his hall-rent, neither could the Saviour pay his. He was trying to serve the Lord, and he had to have some place to serve him in. If he could not pay his hall-rent, it was not his fault: it was the fault of the people. That man (said Scoville) never made a joke knowingly. He made one the other day when he said that he had an interest in this case, but he did not know it until afterward. He never made a joke in his life knowingly. Everything he ever did was done in earnest, and therefore since he has been confined in jail he has in sober earnest given items of 'vis life to Mr. Corkhill and to his stenographer, and concluded by saying that he was in search of a wife. (Laughter.) He expected that the time would soon come when the great danger which hangs over his head in this trial would be removed; when he would be vindicated, as he calls it, by your verdict; when he could go out a free man and could reciprocate such attentions, and could make himself the honored husband of an honored wife. I say that he has done that in good faith, believing everything to be just as I stated. It was no joke with him, and yet the prosecution say that he is a sane man. Now, beyond that it is true, as he says, that that notice published to the world brought one response, which shows that there is one woman

in the United States that probably has lost her reason also. (This remark elicited a good deal of laughter.)

The District Attorney. May it please Your Honor, Mr. Scoville knows as well as Your Honor that this testimony, if any is in existence, can never be produced in this trial—that if there were any such letters they never can reach the jury; and this attempt to get into a public colloquy with this man is reprehensible. Let him confine himself to the testimony which it is proper to introduce to the jury, and let this man play his part when the time comes.

"I am not playing a part," cried the prisoner, excitedly and at the same time gesticulating wildly. "I knew Scoville was lying."

Mr. Scoville. I understand that this evidence is coming. I understand that it is perfectly competent.

"As a general thing, testimony obtained from lying is not competent," retorted the prisoner.

Mr. Scoville. I will not reply to Mr. Corkhill at present for his insinuation. When the time comes for the argument of this case, he will get his answer. (The significant tone in which this was said brought down a storm of applause from the spectators.) I had considered that this evidence was competent.

The Prisoner. You will not have any success from the Lord by lying. You lie. I've found you out. When a man lies to me once, I never believe him again. You have lied to me once, and that is played out. (The prisoner, in making this speech, seemed to be convulsed with passion, and it was in vain that his brother and sister attempted to quiet him.)

Mr. Scoville. All I want in this case is that the truth shall prevail.

The Prisoner. That is what I want, and I am going to have it, too.

Mr. Scoville (to the jury). All I want is that the truth shall prevail. If there is any evidence brought before you, you have an opportunity to criticise it any way you please; and if you believe I produce an item of evidence for theatrical effect, without an earnest conviction that it is just and proper to be done, I want you not only to reject it, but to charge it against me with tenfold effect in your final verdict. (Applause.)

Mr. Scoville then proposed to read a bundle of letters written by the prisoner dating back to 1858, as showing the bent of his mind.

The District Attorney. Do you propose to introduce these letters as evidence?

Mr. Scoville. Yes.

The District Attorney. As immediately connected with the crime?

Mr. Scoville. As showing the bent of the prisoner's mind, just as you read some of his letters in the evidence.

The District Attorney. The letters I read were immediately connected with the commission of the crime.

The Court. I do not know that I can draw any distinction as to time. These letters are indications of the prisoner's mind.

The District Attorney. This is a plea going to the sanity of the prisoner fifteen or sixteen years ago.

Mr. Scoville. Exactly.

The District Attorney. I do not object to Mr. Scoville stating what he expects to prove by these letters, but I object to his introducing them before we have inspected them.

The Court. They are introduced now as part of his opening speech.

The Prisoner. We will show they are authentic.

Mr. Scoville. You did the same thing exactly.

The District Attorney. I read no letters except what were connected with the commission of the crime.

The Court. They were read as part of your opening statement, and were afterward proved.

Mr. Scoville. I understand that the issue is as to the insanity of this man.

The District Attorney. That is your issue.

Mr. Scoville. If there was insanity twenty years ago, I have a right to show it.

The District Attorney. Certainly; but I object to your reading a mass of letters to the jury in advance of any knowledge of them on the part of the prosecution.

Mr. Scoville. I will not read them all.

The District Attorney. I do not desire to interfere with your opening, for I desire that you shall have the greatest latitude in this case.

Mr. Scoville thereupon proceeded to read the letters, most of them addressed to Mrs. Scoville and some to himself. Those of the earliest date, 1858, show nothing peculiar, but gradually they drift into a religious turn, quoting texts of Scripture and appealing to his sister to turn to God. This feature of them is more marked after he has gone to the Oneida Community, the first letter from which is dated in February, 1861. In this he lays down and supports the doctrines of the Community.

When this letter was read the prisoner said: "I forgot that letter. It is a very good representation of the influence under which I lived for six years. I was not aware that it was in existence."

The last letter from Oneida was dated October 12, 1866, and stated that his views had changed; that he desired to leave the Community and go to New York to qualify for a position in some bank, and asking Mr. Scoville to send him fifty dollars.

The Prisoner. I was recovering from my insanity then, got up under their influence. I was getting my eyes open then, away from those miserable people. I had been six years subject to their fanaticisms.

Mr. Scoville explained that others of the prisoner's letters had been burned up in his office in the Chicago fire. These letters happened to have been kept at home. The next letters read were from New York and Brooklyn in 1867 and 1868. There were no striking peculiarities in any of these letters, except where they dealt with religious subjects.

At this stage of the opening the Court adjourned for the day.

Among the spectators in the court-room were Chief-Justice J. B. Prince and bride of New Mexico; Mrs. Blaine, Mrs. Corkhill, wife of the District Attorney; Dr. A. E. McDonald, superintendent of Ward's Island Insane Asylum; Dr. Walter Kempster, superintendent of the Wisconsin State Asylum; Dr. James H. McBride, superintendent of the County Asylum, Milwaukee; and Dr. Rice of Illinois. These physicians were summoned as experts to give their opinions upon the question of the insanity of the prisoner.

When the court opened on Wednesday, the 23d of November, Mr. Scoville, at whose side sat ex-District At-

torney Charles H. Reed of Chicago, witness for the defence, addressed the Judge, and made a formal request for the papers and newspaper extracts which had been taken from Guiteau at the time of his arrest, stating that they were important evidence for the defence, and, since the prosecution did not need them, he could see no reason why they should be withheld from him. The District Attorney offered to furnish copies of the papers; but Mr. Scoville insisted upon his rights in the matter, and asked for the originals.

Pending discussion Guiteau insisted upon being heard, and said, "I can throw light upon this. At the time of my arrest I had forty or fifty editorial slips showing the political situation in May and June last. These slips show the action and one of the forces that impelled me on to the President. They are very important as showing the gist of the whole matter. There were forty or fifty slips denouncing President Garfield. It was living on such ideas as these that I was finally impelled to fire on the President with my inspiration."

Colonel Corkhill here interposed, saying, "If it will enable you to get through to-day, I will send for them at once."

Mr. Scoville then continued to read letters written by Guiteau years ago to show the state of his mind at that time, and then, alluding to Guiteau's career as a politician, drew the conclusion that his intellect was deficient. This view aroused the prisoner at once, and he began a series of interruptions, protesting against Mr. Scoville's conclusions as false.

Mr. Scoville proceeded to tell how Guiteau ran from one committee-room to another during the Presidential campaign, and said his speech, entitled "Garfield vs. Hancock,"

was but a jumble of ideas. No one but a crazy man would have imagined, as Guiteau did, that this speech possessed any merit. Yet he thought it a passport to the Austrian mission, and that he had only to present that speech to the President to get any office.

The Prisoner. I did not think anything of the kind, and I protest very solemnly against your trying to make out that I was a fool. If you want to rest this case anywhere, rest it on the true doctrine that the Deity did this act, and I am with you. But if you say that I am a fool, I am down upon you.

Scoville. Some of the witnesses will express the opinion that the prisoner was a fool and others that he was crazy. You [to the jury] are to be governed by the testimony. The prisoner will also be sworn, and you can give to his testimony what weight you please.

The Prisoner. I say that the Deity inspired the act and that he will take care of it. You need not try to make out that I am a fool, because you cannot do that. I repudiate your theory on that point.

Scoville. I am stating what the witnesses will swear to.

The Prisoner. Let them swear to it, and we will meet them on the stand.

The District Attorney (interrupting). Is it necessary—

The Prisoner. It is not necessary for you to make any remarks, colonel.

The District Attorney insisted that the prisoner's constant interruptions should be prevented by the Court.

Scoville (to the District Attorney). I will join you in any proceeding to keep him quiet.

The Prisoner (to Scoville). You have got to speak the truth, and I will keep still.

The District Attorney. This man knows very well that he should keep still.

The Prisoner. Let him (Scoville) state the truth, and I will keep still.

The Court (to the prisoner). You must keep quiet.

The Prisoner. I wish to make running statements on the proceedings; that will save me making a long speech.

Mr. Davidge suggested that Mr. Scoville's opening should be circumscribed.

The Prisoner. I agree with that; I commend the prosecution for the liberal spirit with which they are doing their work.

Mr. Davidge. You will find that all the way through.

The Prisoner. I know it, and I thank you, each and all of you.

Mr. Scoville proceeded to criticise Guiteau's speech "Garfield against Hancock," ridiculing the idea of any sane man considering it a recommendation for office.

The Prisoner (angrily). That speech was a decided recommendation. The point was here—that not only did I publish that speech on the 6th of August, but I was actively engaged with Arthur and Jewell during the entire canvass. I made suggestions to them, and was around with them day and night. I took a hearty interest in the canvass. That was the ground I expected office, and I never doubted from that day to this that I should have the Paris—

Mr. Scoville (angrily). If the prisoner does not keep silent, I shall have to stop the opening.

The Prisoner (excitedly). Then confine yourself to the facts.

The Court (sternly). Keep quiet. You shall have an opportunity to speak when you get upon the stand.

The prisoner attempted to break in, but was severely ordered by the Court to be silent. "If you will not," continued the Court, "I will have to take the strongest measures to make you."

The Prisoner. I shall keep quiet. I only want this thing to go out straight. I shall give the entire facts when I am on the stand.

Mr. Scoville then proceeded with his address, stating that in the matter of his application for office the prisoner had shown a total want of reasoning power. He was continually fed with suggestions from newspapers. There were continual suggestions that but for President Garfield everything would be harmonious in the Republican party. These newspaper slips fed his morbid feelings, and the result was that thinking about the matter was nothing to divert his mind. With his intense, unbalanced religious convictions he was completely carried away. The evidence would show that the matter was always preving on his mind, and it became his fixed and firm idea that his duty to his country and God required him to remove the President. He was impelled by an irresistible impulse to do that thing. There must be blame somewhere for the great crime. If this man were insane, if he were not responsible for his act, he could not be found to blame, and the question then recurred, "Where was the blame?" From the necessities of the case certain elements—the political situation, the discords in the Republican party-must be brought in. He was not going to direct attention to any individual or any branch or faction of the party and lay the blame there, but he was going to say that this continual strife for office, this element of politics that had entered in during the last few years, had been made the question of the day. This crime owed its origin to that element of political contest, and the blame for it must be located on modern politics. If the jury found by their verdict that this man was insane, the same verdict would say that the blame rested on the politicians of the present day. It could not be otherwise.

Mr. Scoville concluded his opening argument, and, at the request of District Attorney Corkhill, the witnesses for the defence were ordered to retire to adjoining rooms, with the exception of the prisoner's sister, Mrs. Scoville.

CHAPTER VI.

The Defence.—Guiteau Boisterous and Insulting.—Judge Cox Threatens to Gag the Prisoner to Keep him Quiet.—Witnesses Believe the Prisoner to be Insane.—Hereditary Insanity.—Guiteau's Views about Beecher.—Mrs. Scoville on the Witness-Stand.

AFTER the conclusion of the opening for the defence by Mr. Scoville, several witnesses were examined.

The first witness, H. N. Burton, heard Guiteau lecture at Kalamazoo, Mich., on the subject "The Second Coming of the Lord." Mr. Scoville desired to prove by this witness that the audience on that occasion were unanimous in declaring Guiteau to be insane. Witness said, "I did not think him so deranged as to be irresponsible. I thought him not deranged, but very badly arranged."

Dr. John A. Rice of Winton, Wis., was called. He had been a practising physician for twenty-six years. He first saw Guiteau in 1876, when he was requested by Mrs. Scoville to see the prisoner for the purpose of inquiring into his mental condition. The result of his examination was that he became satisfied that the prisoner was insane; that his insanity was of the emotions rather than of the intellect. There appeared to be an impairment of the judgment, but not much, if any, impairment of the intellect. He displayed what might be termed a moral imbecility.

Frank L. Union of Boston spoke of circumstances attending Guiteau's lecture in "Investigator Hall," in the Paine Memorial Building, Boston, in September, 1879. The witness thought Guiteau was crazy.

Norwood Damon of Boston was present at Guiteau's Boston lecture, and thought him an insane man.

George W. Olds of Michigan was employed upon Mr. Scoville's farm at the time of Guiteau's visit in 1879. He detailed eccentricities on the part of Guiteau which led him (the witness) to think at the time that he was insane.

Next day being Thanksgiving day, the Court was adjourned until Friday.

The audience at the Guiteau trial was on the 25th day of November as large as at any time since the case begun. Within a few minutes after the court-room doors were opened the seats were occupied and all the standing-room was filled. At least nine-tenths of the spectators were ladies, Mrs. General Sherman and Mrs. James G. Blaine, with her son Walter, being present and watching the proceedings with deep interest. Opera-glasses and lunchbaskets were quite conspicuous among the ladies, many of whom had to stand during the entire session. Two ushers were kept busy seating the visitors; and before Court opened, the Marshal, Mr. Henry, admonished them that he would have to clear the room if there was any applause or hissing. Judge Cox upon taking the bench also enjoined decorum, but the injunctions did not prevent either laughter or applause. There were so many comic features and such unusual performances by the attorneys as to tempt the most serious to laugh. While Judge Cox was, and had always been, anxious to preserve that decorum due to a court, he found it impossible to bring the

audience to a sense of the solemnity of the occasion when at successive stages of the trial the witnesses, counsel and prisoner united—designedly or otherwise—to excite laughter. Even the experts repeatedly could not refrain from smiles at some of the scenes, so grotesque and so ludierous.

At the opening of the Court on the 25th day of November, Mr. Scoville stated that the prisoner desired to make a statement to the Court. The prisoner then read as follows, declining to rise, but stating that he was not afraid to do so:

"I propose to have all the facts bearing on this case to go to the Court and the jury, and to do this I have been forced to interrupt counsel and witnesses who were mistaken as to supposed facts. I meant no discourtesy to them or any one. Any fact in my career bearing on the question who fired the shot, the Deity or myself, is of vital importance in this case, and I propose that it go to the jury. Hence my personal, political and theological record may be developed. I am glad that Your Honor and the opposing counsel are disposed to give a historical review of my life, and I ask the press and the public to do likewise. All I want is absolute justice, and I shall not permit any crooked work. I have no idea my counsel want crooked work. They are often mistaken in supposed facts, and I shall have to correct them. Last spring certain newspapers in New York and Washington were bitterly denouncing the President for breaking up the Republican party by improper appointments. I would like those newspapers to reprint those editorials now, and see how they would look and sound. In attempting to remove the President I only did what the papers said ought to be done. Since July 2

they have been deifying the President and denouncing me for doing the very thing they said ought to be done. I want the newspapers and doctors who actually killed the President to share with me the odium of his death. I never would have shot him of my own volition, notwithstanding those newspapers, if I had not been commissioned by the Deity to do the deed. But this fact does not relieve the newspapers from the supposed disgrace of the President's removal. If he had been properly treated, he would have been alive to-day. It has been published that I am in fear of death: it is false. I have always been a religious man and an active worker for God. Some people think that I am a murderer, but the Lord does not, for he inspired the act, as in the case of Abraham and a score of other cases in the Bible. The assault made upon me on Saturday last by a crank has been condemned by the press. The eyes of the civilized world are watching this case, and it behooves this Court and the metropolitan police to protect me at all hazards. I hereby warn all cranks, of high or low degree, to keep away from me under penalty of instant death. He would have been shot dead on Saturday but for the rearing of the horses in the van as the officer was shooting. The horses shook the van so that he lost his aim, and, though the van pursued him, he temporarily escaped. I waste my arguments on cranks. All they can see in this case is a policeman's revolver. Again I say if they value their lives they must keep away from me. I desire the Court and the jury to dispose of this case on the facts and the law, and thus let all parties abide the verdict."

Mr. Scoville again called attention to the fact that he had not yet been able to obtain the newspaper slips taken from the prisoner at the time of his arrest.

Mr. Davidge asked him whether he had called at the District Attorney's for them.

Mr. Scoville replied that he had not, and would not. He was entitled to them, and should have them.

The District Attorney intimated that Mr. Scoville need not exhibit so much crankiness in the matter. A printed copy of these slips had been handed to him in Court the other day, and at the same time an envelope containing the originals had been passed over to him, but had not been looked at. He had now sent to his office for them, and would submit them for his inspection.

After some further discussion in a somewhat unpleasant tone the papers were produced, and the examination of witnesses was about to be proceeded with when Guiteau again broke out: "I understand that my divorced wife is here. The fact is that I had no business to marry that woman; we have been unfortunate. If she comes into court to do me harm, I will rip up her entire record."

The first witness was Joseph E. Smith of Freeport, Ill., seventy-one years of age. He had known Luther W. Guiteau (the prisoner's father) from 1846 to the hour of his death; he was a perfectly sincere man, who stood well in the community. He testified as to the public offices he held and the business he carried on.

Charles H. Reed, the Chicago lawyer, was the next witness, who held the position of State's attorney from 1864 to 1876. He related an incident when, the prisoner having been assigned to the defence of a small larceny case, he proceeded to deliver a rambling, wandering speech full of vagaries and quite illogical. He introduced all sorts of subjects that were foreign to the case. He talked about theology and divinity and the rights of man. Witness saw

the prisoner at the Riggs House, in Washington, upon the Tuesday preceding the shooting of the President. He desired to borrow from witness fifteen dollars, promising to pay it back when he obtained the Paris consulship. He stated that Mr. Blaine was on his side, and that in a few days the papers would announce his appointment. Witness had seen him several times previous to that, and on each occasion he introduced the subject of the Paris consulship, and he had become quite excited when witness suggested that he obtain some inferior office. Witness thought that he was off his balance.

Mr. Scoville. You had an interview with him in the jail a few weeks ago; what was that?

Mr. Davidge objected, but the objection was overruled by the Court, who said that the jury must watch and decide what acts were the emanations of a disordered mind and what were fictitious. It was not a question for the Court.

Witness replied that he had visited the jail in company with Mr. Scoville, and that he had found the prisoner lying on his couch. Witness asked him why he shot the President. He rose up to a sitting posture and began, in a very excited manner, a sort of speech, saying, "I did not do it; the Lord did it. He used me as an instrument. It was necessary for the salvation of the country to remove the President."

Witness asked him why he used the word "removed;" why he did not say "killed" or "shot." He said that that was not the proper word. He was very pale that morning, and his eyes— "Well," said the witness, "his eyes were indescribable." Witness should say that the man was of unsound mind; witness always regarded him

as a harmless creature, but as one who was sincere in everything he proposed or thought it his duty to do.

In the cross-examination Mr. Davidge asked the witness whether, before his visit to the jail, he had ever considered the prisoner of unsound mind.

Answer. Yes.

Question. To the degree of unsoundness as to render him irresponsible?

A. For what?

Q. For crime?

Mr. Scoville objected to this question as not being specific enough. He did not see how it could be answered without misleading the jury.

The Court overruled the objection.

The Witness. That is a difficult question for anybody to answer in cases where a person is not a raving, wild maniac. I should not like to express an opinion.

Mr. Davidge repeated his question as to the prisoner's responsibility, and the witness replied that he had never thought about the matter, for he had never thought of the man committing a crime.

Question. Have you ever said that you had no doubt of his responsibility?

Answer. No, sir; I never made such a statement to a human being.

Q. Do you mean to say that you did not state to Colonel Corkhill that, while the man was unbalanced and cranky, you had no doubt of his responsibility?

A. No, sir; I never said anything of the kind.

After a whispered conversation between Mr. Corkhill and Mr. Davidge, the latter again questioned the witness

as to whether he had not told Colonel Corkhill that he believed the prisoner to be responsible.

- A. No, sir; if he understood me to say so, he is entirely mistaken.
- Q. You were sitting at the trial-table a few days ago and acting in defence of the case?
 - A. I sat there the day before yesterday.
 - Q. And suggested questions to Mr. Scoville?
 - A. I think I did, two or three times.

The witness at this point, and in response to questions propounded by Mr. Davidge, again detailed the conversation at the Riggs House, but was interrupted by the prisoner with a positive denial. "I do not want," he said, "to contradict Mr. Reed, because he is a good fellow, but there is not a word of truth in it. I spoke to Mr. Reed two or three mornings prior to July. I never spoke to Mr. Reed or any one else about the Paris consulship for two or three months prior to July. I want the exact truth, and nothing but the truth, and I don't care who hears it."

Mr. Davidge. We can dispense with these interruptions. The Prisoner (excitedly). We want the facts, Judge.

Mr. Davidge. You have been indulged altogether too

"And it is right that I should be," retorted the prisoner; "I appear as my own counsel."

The Court (severely). Be silent.

Mr. Davidge (firmly). You must keep quiet—at least while I am cross-examining a witness.

But neither court nor counsel could repress the prisoner, who continued talking and struggling angrily with the deputy marshals. "The conversation," he continued, "occurred about two months prior to July. You are right as

to the conversation, but wrong as to the date. I say that it was in May. With that correction your statement is true."

Mr. Davidge (to the witness). You have heard the interruption of the witness. What is your opinion about the time?

The Witness. I am very certain that it was on that Tuesday.

The Prisoner. That was the time I spoke to you about getting fifteen dollars. You said you did not have the money; that part of the conversation is correct. I don't forget anything; anything that gets into my head sticks. (Laughter.)

Mr. Davidge (to witness). You said that he stated that you would see his name in the papers in connection with the Paris consulship.

The Prisoner. I never said that.

Mr. Davidge. Well, he says, Mr. Prisoner, that you did say it, and he has a right to his opinion.

The prisoner in a persevering manner declared that he had not said so. He also indignantly denied the witness's statement that he (witness) had not admitted him to the Bar in Chicago. He did not want any trickery about this case.

The Court, impatient at the prisoner's constant interruptions of counsel and witness, in a stern and determined tone, said, "If there is no other way of preventing these interruptions, you will have to be gagged."

"Well—" commenced the prisoner.

"Keep your mouth shut!" thundered the Judge, "and don't interrupt during this trial. I do not desire it; but if the trial cannot go on without resort to gagging, it will have to be done."

Even this threat, though it had a momentary effect upon the prisoner, could not entirely repress him, and he again denied the conversation detailed by the witness, who "was a very good fellow, but wrong there. I am going to have the facts in this case," he continued, "and nothing but the facts. I want the Judge and the jury to decide upon the facts, and upon nothing else. The witness is entirely erroneous in his memory."

Question. Did Guiteau say that you would see his name in the newspapers in a few days as consul to Paris or that he would make a fuss?

Answer. He said, "If I do not get it—" (Reflecting): I will find his exact language.

The Prisoner (interrupting). It is absolutely false; I never said any such thing. That has nothing at all to do with my intending to remove the President. I rest my defence entirely on the inspiration which came from the Deity for that act, and I will take my chances on the result. I do not want any lying or nonsense on this business, and I will not have it.

Mr. Davidge (to the witness). Go on.

The Witness. He said in connection with the administration that if he did not get the Paris consulate, he would either make a fuss about it or would do something about it in the newspapers.

The Prisoner. I never said anything of the kind, and I never thought anything of the kind. That is the result of your own imagination, Mr. Reed. It is not true. You are a good fellow, and I think a good deal of you; but you are mistaken in your facts. (After a pause): I was not in the habit of telling my business in that kind of way to anybody.

Mr. Davidge (to the witness). Then your recollection is that when Guiteau left you and threw up his arms, as you have described, in an excited way, he said that in a few days you would see his name in the newspapers as consulto Paris?

The Witness. Yes; that was the last part of the conversation.

Mr. Davidge further inquired about the prisoner's appearing to defend criminal cases in Chicago, and the witness said that he could not tell how many such cases he had appeared in.

The Prisoner. That is another mistake. I never had a criminal case in Chicago.

Then Mr. Davidge came back to the prisoner's statement that his pamphlet on Christ's second coming was as much inspired as the New Testament.

"I claimed it then," the prisoner broke in, "and I claim it now. Just as much inspired as the Old Testament or the New Testament, either."

Mr. Davidge (to the witness). You said something about your translating the Greek Testament.

The Witness. I said that Guiteau said he had seen something which I had written in the Chicago Tribune about the translation of the New Testament.

The Prisoner. That is true; I did see something of the kind. Mr. Reed is a fine Greek scholar.

At the close of the witness's examination the Court took its usual recess.

After the recess Mr. Scoville asked for an attachment against Emory A. Storrs. He understood that Mr. Storrs had been served with a subpæna, but had positively refused to come.

When Senator John A. Logan, of Illinois, took the stand, there was a general buzz among the audience. This was soon increased into laughter because of the apparently guileless way that Guiteau greeted the distinguished witness. Guiteau was puzzled when Mr. Scoville asked Senator Logan if he knew the prisoner. It was then that Guiteau, with a smile, remarked, "Oh, yes, he knows me. How are you, Mr. Logan? I am glad to see you."

Senator Logan detailed his testimony in a frank manner, there being none of that reserve or disposition to combat questions with the attorney for the defence exhibited by Mr. Blaine when on the stand. The difference—which, after all, is one of individuality-was of such strong contrast as to be quite noticeable. Senator Logan substantiated the statements heretofore made that Guiteau, thinly clad, had persistently requested him to secure him the Paris consulate, afterward saying that he regarded Guiteau as crazy and advised the landlady of the boarding-house to get rid of him. The counsel for the prosecution objected. Judge Cox overruled his objection—the second that had been made to-day by Mr. Davidge. Mr. Scoville said he merely desired the facts, but the prosecution dismissed Senator Logan with only one question, and this was as to the time the prisoner had first visited his boarding-house.

In reply to questions by Mr. Scoville, the witness detailed two interviews which he had with the prisoner. The first was about the 12th or 15th of March last, in the morning. The prisoner came to his room uninvited; witness was in the back room, and when he entered the reception-room he found the prisoner there, sitting on a chair near the door; he did not know who he was. The first thing that the prisoner did was to pull a pamphlet out of

his pocket and hand it to the witness, saying that it was a speech which he had delivered in the recent canvass, and asking witness to read it. Witness declined to read it at the time, but said that he would take pleasure in reading it afterward; it was a speech entitled "Garfield against Hancock." The prisoner then said, "That speech elected Mr. Garfield President of the United States." He then commenced talking about a position that he desired, saying that he had the promise of an appointment as consulgeneral to France; he said he had seen the Secretary of State, Mr. Blaine, who had promised him this appointment provided he could get Senator Logan's recommendation. Witness said, "I do not know, you and cannot recommend you." Prisoner then went on to say that he resided in Chicago and was a constituent of the witness, and that witness was under obligation to recommend him; he also told witness that he had been in New York during the canvass to see the Republican National Committee there in regard to entering into the campaign. He said that the President was a friend of his, and that he had seen General Garfield somewhere, not in Washington, that he was satisfied that the President was favorably disposed to his appointment, and that he would get it, especially if he (witness) would recommend him. Witness again declined. The prisoner then took out of his pocket a sheet of foolscap with about three lines written very close to the top; it was a recommendation for his appointment. He wanted witness to sign it, but witness declined, and got rid of him as soon as he could.

Question. Why?

Answer. He did not strike me as a person whom I would recommend for an office of that character, or any other

office. I treated him as kindly and politely as I could, but I was very desirous of getting rid of him; I did not want to be annoyed with him.

- Q. Was there anything particularly noticeable in his appearance?
- A. He was rather peculiarly clad for the season: there being snow on the streets at the time, he had on his feet a pair of sandals or rubbers, or something of that kind; he had no stockings; he wore a light pair of pantaloons and a common, ordinary coat. A day or two afterward he came again to my room uninvited; he still insisted on my signing his recommendation, reiterating the same statement as before, of his having a promise of the place if I would recommend him; I again declined. I had in the mean time, out of curiosity, read the speech. He was a little more excited at the second interview than at the first; the second was a very short interview, for I tried to dispose of the matter as quickly as possible. I said to him, "The first time I see the Secretary of State I will mention your case to him." I did not say that I would recommend him, but simply that I would mention his case, and I intended to do so, but probably in a different way from what he supposed I would.
- Q. From what you saw of the prisoner on those occasions, and from what was said and done by him, did you form any opinion as to his mental soundness or unsoundness?
- A. I am not an expert, and do not know whether I should answer the question.

The Court. You may give an opinion in accordance with your observation.

The Witness. I thought there was some derangement of his mental organization, but to what extent I could not say. When I went down to breakfast that morning, I saw him

at the table as a boarder; I called the landlady and asked her if she knew that gentleman; she mentioned his name, and said he had told her that he was a constituent of mine.

Question. What was your expression of opinion to the landlady at that time?

Answer. I said this: "I do not think that he is a proper person to have in your boarding-house." She asked why. I said, "I think he is a little off in his head," or some language of that kind. She asked me what I meant, and I said I thought he was kind of crazy, and that she had better not have him in her boarding-house; that is about the conversation we had at that time.

- Q. When did this conversation take place?
- A. I think it was about the 12th or 15th of March.

This closed the examination of this witness, the next being George J. Hubbard, a farmer, of Oneida county, N. Y.; he lived less than half a mile from the Community, but (indignantly) was never connected with it as a member. In 1863 he worked for three months for the Community, to which the prisoner at that time belonged; he worked in the same shop with witness; he was a nervous, quick-tempered man; if anything was said to disturb him, he would get riled and would gesticulate wildly and talk in a mysterious manner; he would sit for hours in a corner saying nothing to anybody; at other times he would be cheerful. On one occasion he told witness that he aspired to be the leader of the Community.

On cross-examination witness stated that all persons were free to leave the Community when they pleased.

On redirect examination, however, he stated that an aunt of his was confined in the Community, and when she was finally found by his father she had been horsewhipped with a rawhide; she was afterward sent to an insane asylum, but subsequently recovered.

The Prisoner. I remember that case myself. There is no physical restraint there, but it is all spiritual and social. That is a good deal worse than physical restraint. If a man left there, he was led to believe that he was for ever damned. That is the way the Community was kept together.

The next witness was Edmund M. Smith of Chicago. He had been clerk to the Republican Central Committee in New York during the last campaign; the committee sent out a large number of documents, "and we paid honest postage on all of them." Witness had seen the prisoner several times; he wanted to be placed on the rolls as a speaker; he did not appear as if he could put half a dozen sentences together, and witness did not think that he had received any assignment to speak.

The Prisoner. This gentleman was not in a condition to know whether I did or not. He was only a clerk.

Mr. Davidge. That is what I thought.

The Prisoner. Jewell was the fellow who did the business—Jewell and Hooker and Dorsey, and the rest of those fellows.

Mr. Scoville then read the deposition of J. A. Turner of Dakota Territory, who deposed to having known Mrs. Maynard and Mrs. Parker, sisters of Luther W. Guiteau, and to having regarded them as insane.

John A. Moss, a colored lawyer, who resided near the Government asylum for the insane, was the next witness. He had seen the prisoner at the Executive Mansion fifteen or twenty times during the months of May and June; he thought he was a crazy man when he first saw him. Wit-

ness had seen many crazy people, and this man appeared to him to be crazy; he had never heard the prisoner say anything.

Mr. Davidge inquired how the crazy man looked.

"Just as he does now," replied the witness, "except that he had a bundle of papers with him."

Mrs. Frances Scoville, sister to the prisoner and wife to his counsel, was next called to the witness-stand. She stated her age as forty-five. Her father was Luther W. Guiteau, of Freeport, Ill., and her mother Jane Howe Guiteau. The prisoner is forty years old. He was about seven years old when her mother died. She remembered her mother from the time the witness was three years old. She was sick a very long time at the time that Charles was born; had been told that her sickness at that time lasted a year and a half; remember seeing her head shaved perfectly bald; this was before Charles was born. Her aunt had subsequently given her (among other keepsakes) the hair then shaved from her mother's head; after that time her mother always wore a cap; never saw her mother walk in the street after that. There were two children born subsequently—Luther Theodore, who died when he was two years old, and who was born with a crooked foot and limb, and Julia Catharine, who died when twenty months old, six weeks after her mother's death; her mother's sickness was attended with a very severe pain in her head, and her hair never grew again. Her first recollection of Charles was that he was a troublesome child because he was very active and smart; he was sent to school quite young-when six years old-to learn to talk; he could make noise, but could not talk; he used the word "ped" for "come" and the word "pail" for "quail;" his father punished him for

it, but that made no difference; she thought that he could not comprehend the difference; after his mother's death he lived for a year or so with his grandfather, and then came back to his father. Witness was married in January, 1853, while Charles was living with his grandfather; subsequently, when he was twelve years old, he lived with wit ness for a year in Chicago, where he went to school; she recollected nothing peculiar about him then except that he was very affectionate, and she was very much attached to him; then he went to his father, and subsequently, when he was seventeen years old, he came again to live with witness at Oak Park, near Chicago; he attended school at Commercial College, Chicago, and after that he went back to Freeport, and from there he went to Ann Arbor to attend school; she went to Ann Arbor to see him, as she had been informed that he was going on worse than her father had ever done; she found that he had abandoned his studies and was giving his whole time and attention to studying the Berean and the publications of the Oneida Community; she argued with him for a whole evening, appealing to him to go on quietly like other young men and give up all that stuff; her appeals had no effect upon him, however, and she made up her mind that he was crazy; she told her uncle, who lived at Ann Arbor, to pay no more attention to him, but let him go his own way, as he was "clear gone daft;" sl:e afterward visited him at the Oneida Community, but could hardly have any conversation with him, as they were not left alone a moment together; she noticed that he acted like a person who had been bewildered, struck on the head or had partly lost his mind; she could not learn from him whether he wanted to leave the Oneida Community or to stay there.

The Prisoner. I had been there three years at that time, and was right in the heart of their fanaticism.

Witness went on to relate the prisoner's history, including his admission to the bar (at which she was very much surprised), his marriage and his separation from his wife, down to the time he visited her in Wisconsin in 1875. She noticed then a great change in his personal appearance; he was also very hard to get along with, and he used to get in a "highfalutin" state; he seemed willing to do anything that he was told, but he got very much befogged and could not do it. She related the incident of his attacking her with an axe; she had given him no provocation, but had got out of patience with him; it was not the axe that frightened her so much as it was the look of his face: he looked like a wild animal; she retreated into the house and ran up to her daughter's room; then she called Olds, the hired man; she said, "Here, take this boy and put him off the place;" Olds took hold of him and brought him to the diningroom.

At this stage of her testimony, which was given in a very low tone and with great rapidity of utterance, so as to be almost unintelligible, the Court, at twenty minutes past one P. M., adjourned.

CHAPTER VII.

Guiteau "would go upon the Scaffold without Fear."—Mrs. Scoville and J. Wilson Guiteau on the Witness-Stand.—Curious Testimony.—Guiteau Possessed of the Devil.

The second week of the trial ended without the testimony of experts on insanity having been reached. The trial, so far, was a shame to the country. Instead of a solemn tragedy, a comedy had been enacted daily since the trial began. A few weeks ago the nation was bowed down with grief at the death of President Garfield; since the trial commenced everybody laughed at the disgraceful freaks and outbursts of rage of the murderer. It is hard to explain how this could be allowed for one moment. Right at the beginning of this trial a great mistake was made, in making more ado about it than about the trial of any other murderer. Guiteau should have been put in the dock, and not have been allowed to carry on as he pleased, and many of the outrageous scenes would have been avoided.

Guiteau, in an interview with a correspondent on Sunday, the 27th day of November, said that the trial was progressing satisfactorily to him; that he was certain of acquittal by the jury; that when he got on the witness-stand he would soon convince them that he removed the President under inspiration. Even the lawyers, he said, were friendly to him, and he mentioned Colonel Corkhill

and Mr. Davidge by name as having no desire to convict him. He was asked what he should do supposing the jury said he must hang. "I would go upon the scaffold without fear," said he. "If the Lord wills it, I will obey his commands without complaint; I will cheerfully go. It may not be in this generation, but the odium attached to my name will be removed. I will be regarded as a patriot and the saviour of the nation from civil war. My name will go down in history with Lincoln's and Grant's." He was asked what he would do if acquitted. "I will go into the lecture-field as soon as I am out. I would make fifty thousand dollars the first year. I would pay all my debts and board-bills and start life again. I would go out to Indiana and marry that hundred-thousand-dollar girl who recently advertised for a husband."

Before the Court opened on the 28th day of November all available space was occupied by persons eager to get a view of the prisoner and his friends. There was observed the same demeanor, laughter and hilarious conversation that characterizes a theatre-audience before the curtain rings up. The conversation and mirth-like sounds of the voices were such as to impress upon Marshal Henry the duty of saying something. He said, "Ladies and gentlemen, we expect perfect order. Please observe that decorum and quiet which you would preserve in a church."

The Marshal's brief remarks had no effect whatever, for no sooner had he concluded than the general hum was resumed and the same hilarity was exhibited.

Shortly after Judge Cox came in the door through which the prisoner had to enter, half of the ladies arose to their feet, expecting to see the prisoner. "Come to order. The prisoner has not yet come in," said the bailiff. The ladies resumed their seats, but had only to wait a few minutes before Guiteau, handcuffed and grasped by one of the three officers, was conducted to his seat. The effort to get a good view of the prisoner was earnest and at the same time amusing. The expression of the ladies was one of wonder and awe as they riveted their eyes upon Guiteau. The prisoner at once began to read the newspapers, and exhibited the same indifference to the proceedings that he had maintained from the beginning of the trial. A policeman who sat back of Guiteau shared his paper.

The proceedings were opened by the resumption of the examination of Mrs. Frances M. Scoville, which lasted three-quarters of an hour. Reverting to the prisoner's visit to her house in Wisconsin in the summer of 1875, she said she had noticed nothing particular about him on that occasion except the expression of some wild ideas, such as buying up the Chicago *Inter-Ocean* and establishing another New York *Herald*.

Resuming, the witness came back to the prisoner's visit in 1876 (the time when he attacked her with an axe), and was about to detail a conversation with a lady on the subject, but was interrupted by the District Attorney, who objected to such testimony.

Mr. Scoville (somewhat petulantly). Just wait, colonel, till something objectionable occurs.

Mr. Davidge (to Mr. Scoville). Suppose you pretermit that kind of testimony.

Mr. Scoville. Suppose you pretermit your objections.

The Witness. The interruptions do not disturb me one particle.

Resuming her testimony, witness related her conversation with a lady in which she said she thought it high time that

measures were taken to do something about her brother's case; that she would consult a physician, and that if he thought proper she would have him put in an asylum. Her brother overheard that conversation, and became very violent about it; he said, among other things, that if the witness were put away safely in a lunatic asylum it would be all right and everything would go along on the place smoothly. He became very violent and commenced gesticulating; if it had been any one else, she would have said that he was abusive, but she did not think him abusive, because she was sure he did not know what he was doing. She related the sail-boat incident, and said that her brother was very much frightened, and looked like a wild animal, jumping on the edge of the boat and making an effort to leap into the water until somebody caught hold of him. Then she described the incident of the prisoner's soaping the hickory trees and insisting that if they were not apple trees they were certainly peach trees; he became very violent about it, but the witness was very much amused. prisoner that summer spent most of his time reading the newspapers and a Testament, which he kept in his pocket; he said he was preparing to go in with Moody and Sankey. Finally the witness's son Louis would not stand any more nonsense from her brother, and put him off the place without her knowledge. She was very much worried about him, but a day or two afterward he rode past with a lady and tipped his hat to the witness, as if to say he was all right; on his return she sent him to the cottage kept by the hired man, where he spent a couple of days.

Witness was proceeding to detail a conversation between Mr. Scoville and herself, in order to show the reason that

the prisoner had not been committed to an insane asylum, when Mr. Davidge interposed an objection.

Mr. Scoville stated that the object was to meet any averment that his relatives did not think it was necessary to put him in an insane asylum, and to explain why this was not done. A lengthy argument on the admissibility of the evidence followed, when the witness broke in with the statement: "The reason why was because he had a father and brother living, and we knew they ought to be consulted before putting him away quietly in Wisconsin on the certificate of two doctors. I wanted him taken to Chicago and tried by a jury and found insane, as I had no doubt he would be."

Mr. Davidge (impatiently). Oh, madame, madame, we must not have that.

Question. What was your opinion in 1876 as to his insanity?

Answer. I had no doubt whatever of his insanity; his mind was breaking up; he was losing his mind in addition to his insanity.

The witness testified that in the summer of 1877 her brother Charles was still interested in some big-lecturing scheme. Witness thought he denounced everybody who did not believe as he did, and said they were going to hell; he used to talk with one of her boarders at Beaver Lake (Mr. Burrows) on the subject of the second coming of Christ until she told him he must not talk so to her boarders; she told Mr. Burrows that her brother was crazy and not worth spending breath upon; her brother never bore any malice; it was remarkable that he never laid up anything against anybody; no matter what was done to him, he never tried to pay it back; in this respect she thought he was silly; her brother had always been in dead

earnest about everything; she never knew him to do as other young men in regard to games or swimming or anything of that kind; he was always by himself; in ladies' society he was always very polite and pleasant.

Mr. Scoville called on the witness to produce her mother's

hair.

The District Attorney inquired the object of that. The witness said she had brought the hair along because she did not know but that somebody might say she was not telling the truth. The witness was not cross-examined.

George T. Burrows was called to the stand. It was objected to by the District Attorney that he had remained in the room during the examination of the last witness, in violation of the rule. He explained that he expected to be the witness who would be examined this morning, and had, therefore, come into the room, and that he had remained because he did not wish to cause any confusion in trying to get out. The explanation being satisfactory, the witness proceeded with his testimony. He became acquainted with the prisoner at Mrs. Scoville's countryplace. The prisoner had often talked with him about his book on the second coming of Christ, till finally the witness stopped talking to him because the prisoner became violent. Witness also related an incident of the prisoner at that time dropping a puppy-dog out of an up-stairs window, breaking the dog's leg, and the prisoner saving that he did not think it would hurt the dog; he supposed the dog would strike on his feet, just as a cat does. Witness, from all these circumstances and from the general conduct of the prisoner, had decided in his own mind that the prisoner was either a fool or crazy, and he thought that he was not sane.

Nothing was elicited in a short cross-examination of the witness.

While waiting for another witness the prisoner, who had been scanning the newspapers all morning, suddenly broke out: "I desire to tell all these crank newspaper-men that I appear here as my own counsel. That is my answer to all this silly stuff they have been delivering themselves of for some days past. Some of these newspapers have gone crazy. I appear here in part as my own counsel, as I have a right to under the law and constitution of all America."

Charles S. Jocelyn of Lennox, N. Y., business-manager of the Oneida Community, testified that he knew the prisoner when he was a member of that Community; he came there in 1860, and remained for nearly five years. Excessive egotism was his peculiar characteristic; he was the most egotistical man the witness ever knew-so much so as to be eccentric and different from other men. He was absorbed in himself, and had such a high idea of himself as to think himself a superior being qualified to be a leader and manager of men; he never noticed any insincerity about him; he had a very strong religious bias toward exaltation, and even fanaticism. He attempted to deliver lectures there, but they were mainly made up of ideas rehashed from former publications of the Oneida Community; there was nothing original in them; they were not a great success as works of art or literary productions.

John W. Guiteau of Boston, the prisoner's brother, was the next witness. He went over the prisoner's history so far as known to him, and related a conversation in which he upbraided him for not paying Mr. Scoville five hundred or six hundred dollars that he owed him. The prisoner said that he had paid it long ago; that he had given Mr. Scoville his note a year ago, which note Mr. Scoville could get discounted in a bank in Chicago, but that he was too stubborn and ugly to do it; he insisted that that was a discharge of the debt, and the witness thought that he was a fool or crazy. While witness was living in Brooklyn in 1871 the prisoner came to board in the same house, and the witness did not pay his board.

The Prisoner. I paid it myself.

The District Attorney (to the witness). Why did you make the last statement?

The Witness. I was under the impression that he would not pay his board.

The Prisoner (excitedly). That was a false impression. I have paid my board as often as you have paid yours, if the record was made up.

The witness (as an illustration of the prisoner's ignorance of law) told of his coming to him one day in Brooklyn to be shown how to fill up a chattel mortgage. Witness saw his brother next in Boston in 1879, and has since seen him several times in Washington, in Court and in jail; had frequent conversations with him. He described the first conversation which he had with the prisoner in company with Mr. Scoville at the jail. The conversation was first carried on between Mr. Scoville and the prisoner, who insisted on the management of the case and objected to several of Mr. Scoville's ideas as to witnesses; part of the time he was excited, part of the time very quiet; he said he would not have any witness put on the witness-stand until he knew what he was going to swear to. Witness supposed that the prisoner might be dangerous, and managed to keep him in front of him; he thought that possibly the prisoner might

intend to harm him, as they had previously had some difficulty.

Mr. Davidge. Oh, we don't want that.

The Witness. I managed to keep him in front of me; I do not think I was afraid of him. After a while I saw that he was perfectly harmless, so far as I was concerned, and I soon entered into conversation with him; he said that the name of Guiteau would get honor instead of dishonor; that it would be "Guiteau the patriot" instead of "Guiteau the assassin." He spoke very loud-louder than in any exhibition here. I said to him finally, "I believe you are honest in your view." He had said he acted under an inspiration, and was willing to suffer or die for the principle of inspiration. I said, "I believe you are honest in your conviction." He said, "Yes, I am." I asked him, "Are you willing to be sacrificed for that principle as Christ was?" He said he was. I said, "You know that there are two influences in this world, a God and Satan, and a Spirit of truth which is Christ." He said, "Yes." I said to him, "You know that the jury and the lawyers and the Court are more or less under the influence of God in this world?" "Yes," .e said. I said, "You cannot expect that they will receive your views about God?" He said, "No." "And therefore you cannot expect that the jury will accept your interpretations and views in regard to inspiration?" "No." 'Now," I said, "are you willing to abide by the decision of the jury and suffer the penalty imposed by the Court if they fail to agree to your views?" He said, "I am." I said, "Then are you willing to abide by it?" ." I am," he said. I said, "They say that you are afraid of your life?" "That is not so," he answered; "I do not care a snap for my life." "Now," I said, "I think you are telling me the

truth. Which would you prefer, to be hanged by the verdict of the jury or shot by the mob?" "I do not want either," he cried, and he flew as quick as a flash into a corner and got behind a table. When he saw the ludicrousness of it he laughed at his sudden emotion, and we all laughed; his eyes looked wild. I became satisfied from that conversation that he was sincere as to his reason for shooting the President, and thoroughly believed in the inspiration; I believe him insane.

The witness identified an old Bible handed to him by Mr. Scoville as the family Bible of Francis Guiteau, who was his father's father.

Mr. Scoville called attention to an entry of the birthand death of "Francis Guiteau the Second" (1800-1829), and said that he would produce the records of the Bloomingdale Asylum to show that he died in that institution.

On cross-examination the witness stated that his opinion as to the sanity of his brother underwent a change last October, when he received from Freeport, Ill., some of the prisoner's letters to his father. That changed opinion was confirmed by the interviews had with his brother since he came here.

Question. Before that time had you stated to various persons publicly that you had no doubt of his sanity and responsibility?

Answer. No, sir; as to his sanity, what I did state was published.

- Q. Did you state, in conversation with John H. Barron of Concord, N. H., that the prisoner was sane?
 - A. I did not.
- Q. Did you state that the act was the result of "pure cussedness"?

- A. I do not think I did, in the connection in which you use it; I believed that my brother's case was one of demonism—that he was possessed of the devil.
 - Q. And you stated that substantially to Mr. Barron?
 - A. Yes, sir.
- Q. Did you attend a meeting presided over by Dr. Charles Collis of Boston about the 5th of July last?

A. I did.

The Prisoner. I used to attend those meetings myself when I was in Boston.

Question. Did you there state that the prisoner was not insane, but was responsible?

- _ Answer. I stated that I believed him to be responsible, but not insane; I stated that constantly and always until about the receipt of those letters. I said that I believed that before God he was responsible for his act—morally responsible—because I believed that some time in his past life he made a choice to follow the path of evil rather than of good; that, so far as regarded his responsibility before the law, I could not determine that, because the law dealt with a man's body: the interpretation of the law as to insanity I was not to judge.
- Q. You could only judge of his responsibility before God?
 - A. I had no question of that at the time.
- Q. You stated then and before that and afterward that you had no doubt of his responsibility before God?
 - A. I did.
 - Q. That he had deliberately chosen evil instead of good?
 - A. I did.

The Prisoner. I will state here that my brother and I were not in fellowship with each other for years. The last

interview that I had with him was in Boston a year and a half ago, when he was offended with me, so that he does not come here with the ordinary affection of a brother.

Question. Did you state to C. B. Robbins of Worcester, Mass., while travelling with him last October, that the prisoner was not insane?

Answer. No, sir; nor to any other person, either.

- Q. Did you state to him that the prisoner was responsible?
 - A. I did, before God.
 - Q. And that he was possessed of the devil?
 - A. That was the thought that I had.

The Prisoner. My father ran me into the Oneida Community, and my brother sympathized with my father.

Mr. Davidge (remonstrating). Come, come, Mr. Prisoner—

The Prisoner (to Mr. Davidge). You just be quiet, Judge.—There was, therefore, not much fellowship between us for fifteen or twenty years. Mr. Scoville and my sister and their family sympathized with me in the Oneida Community business, but my brother sympathized with my father. That accounts for any disability on his part.

In response to questions on the subject of life-insurance policies the witness mentioned several that he had taken—the last in September or October, 1881—and admitted that he had replied in the negative to the usual question as to there being insanity, consumption or scrofula in the family; he also stated that he had helped to get the prisoner (when fifteen or sixteen years old) a situation in Davenport, Iowa.

Question. Did you think him then of unsound mind?

Answer. Not in the sense of being crazy,

Q. In what sense did you think him of unsound mind?

- A. To use a common expression, "he did not have any sense."
 - Q. Is not that wellnigh to being crazy?
- A. Probably it may be, but there is a difference between that phrase and the phrase "of unsound mind."
- Q. On the occasion that you quarrelled with him about his not paying Mr. Scoville what he owed him, did you treat him as one brother would treat another whom he believed to be of unsound mind?
- A. No, sir; and I am very sorry that I did not. I reproach myself for it.

The Prisoner. We were always at loggerheads on account of his sympathizing with my father for running me into the Oneida Community; that is the secret. I never liked him, and he never liked me. I like him better now than I ever did.

The Witness. I can say the same as to him. I never thought so much of him in all my life as I do now.

In reply to further questions the witness expressed his ignorance of the prisoner being ever employed by any insurance company, and the prisoner himself denied that he ever had been so employed formally.

The witness was then inquired of as to his putting the prisoner out of his office in Boston, and he related the circumstances. The prisoner called at the office and complained that the witness had told certain persons that the prisoner was worthless and would not pay his board-bills. Witness told him that he had never meddled with him by making any voluntary statement, but that when any one came to inquire about him he told the truth. My brother said (he continued) that I had no business to make any statement about him or his indebtedness; that I was no

better than he was; that I was in debt (which unfortunately was true); and we had some strong talk. At first I spoke kindly to him, and he to me; I told him that if he was honest in the publication of his book and in his method of life he should not deceive people about his means of paying for his board, and that if he was meritorious he would find that people would be kind to him even though he was unfortunate.

The Prisoner. I never deceived people about my boardbills.

The Witness. He said that he wished to live as Christ did; that Jesus Christ went to a house, and if the people received him he blessed them; that he was working for God, and that he considered God, and not himself, responsible for his board. We had some further conversation, and I drove him to the wall, as I always did in conversation. I entertained the same views of the Oneida Community as my father did; then his spirit of antagonism came up, and he attempted to drive me to the wall by asserting that I was no better than he; he usually intimated that he was a fighting man and I said that I was not. At this time I told him he had better leave the office, and I caught hold of him and rushed him to the door; he was passing ahead of me, and he said, as he went along, that I was a thief and a seoundrel. I slapped him on the side of the neck with the back of my hand, and he turned round and gave me one on the side of the face, for which I very much respected him.

The Prisoner. He never struck me, and I never struck him; the rest of the statement is true.

The Witness. I took him by the collar and hustled him out foreibly and harshly; I conducted myself as no man ought to do who professed a Christian life.

The Prisoner. I say the same too.

Mr. Davidge (to the witness). I am not trying you as a Christian man.

The Witness. But I am glad to make the statement.

The Prisoner. I never saw my brother from that time till I met him in the jail two weeks ago. That accounts for his poor opinion of me.

The witness, in reply to further questions, spoke very highly of his father's character, and repudiated the idea of his ever regarding him as insane.

The Court here took a recess, during which time many of the ladies produced lunch-baskets, and for half an hour a loud hum of conversation was kept up.

After the recess J. W. Guiteau resumed the stand. He had heard that his uncle Abraham was insane. His uncle Francis Wilson Guiteau (mentioned in the family as "Francis Guiteau the Second") died in an asylum. He understood that in early life Francis had fought a duel with a rival in love. Witness had understood that his uncle had killed the man, but the records of the asylum showed that his insanity had been caused by mortification at fighting a sham duel. Besides Abby Maynard, the daughter of his aunt Julia, and Augustus Parker, who was a cousin, witness had never heard of any other case of insanity in the family.

Question. Have you any feeling against insanity in your family being shown?

Mr. Davidge. I object.

The District Attorney. He is your own witness, Mr. Scoville.

Mr. Scoville. I did not ask about the father's insanity; that was brought out by the other side.

Mr. Davidge. When the subject of insanity is gone into by the defence, the whole field is open to me.

The Court. The question is in the form of a cross-examination of your own witness and the integrity of his statements. That is a little out of order.

Question. What is your opinion now as to your father's sanity?

Answer. I think he was sane.

Mr. Scoville. That is not taking into account the testimony of the witnesses North and Amerling.

Mr. Davidge. Oh no; I object.

The Court. The witness can only give his opinion on facts founded on his own observation.

Question. What do you mean by saying your brother was possessed of a demon or a devil?

Answer. The religious theory is that there are two forces in the universe—one under Satan or the devil, and one under God or Jesus Christ. My father held to the view that there were living in the world those who were seized of the devil or Satan, and of Christ or God; he believed that those two forces were at war one with the other, and that at present and since the fall of man Satan had, to a very great extent, dominion on the earth to possess himself of all those he could, and that he did possess himself of all those who were not absolute believers in the Lord Jesus Christ as Saviour, and who had not been saved from the power of sin by a complete union with the Lord and Saviour Jesus Christ; that all evil, all disease, all deformity, all infirmity, was the result of sin or the admission of those who had a free will that they were under the dominion of Satan or the evil spirit or of evil nature. That was my father's theological view; it was my brother's; it was mine, And so I believe that at some time in my brother's life, as he had a free will to choose good or evil, he must have through his evil, through his wilfulness, through his stubbornness, through his perversity of nature, allowed Satan to gain such a control over him that he was under the power of Satan; that idea is the one on which I based my opinion that my brother was morally responsible to God, but perhaps not responsible according to human or legal responsibility, being in one sense insane.

The Prisoner. You have that thing wrong side up.

The Witness. Perhaps I have.

The Prisoner. That's very poor theology, and a very poor position for you to take.

Coming back to the subject of his uncle Abraham Guiteau, the witness stated that when he saw him last in 1867 he was "off his base very badly;" he was a "gassy-blow-hard" kind of a man; the witness would have said of him that "he was a little weak in his upper story." He remembered his brother in his infancy; he was so nervous that he could not keep still for five minutes; his father once offered him ten cents if he would do so, and he did not get the money. His mother had salt rheum very badly; that disease affected the witness and his sister; he never heard of it in the prisoner.

The next witness was Mrs. Sarah W. Parker of Chicago, the widow of Augustus, one of the sons of the prisoner's aunt Anna. Her husband died in the insane asylum at Elgin, Ill.; he had become insane from disappointment in not obtaining a piano agency which he expected. She visited him several times at the asylum; he was then very violent, and he died after being there three years; her husband was the prisoner's cousin. The prisoner and his wife came

to her house in Chicago; witness had then two children, a son and daughter, twelve and thirteen years old; she had requested the prisoner to cease visiting at her house, because he had proposed to educate her daughter so as to marry her. This was in 1876, soon after her husband became insane; he seemed to have fallen very desperately in love with her little daughter, and to want to marry her.

Witness went on to say that her little daughter complained to her that the prisoner used to follow her on the street, wanting to talk to her, and that she was afraid to go out on the street alone; her daughter thought him crazy, and told her so. Witness formed an opinion at that time about the condition of the prisoner's mind; she thought him crazy, and thought so when she first saw him, ten or eleven years ago; she thought then that his mind was cracked.

On cross-examination she said she had not forbidden him the house until he had paid those attentions to her daughter; she did not like to have him come at all.

The Prisoner. They were very poor and I used to go down there and give them money, and they appreciated that very much. Incidentally I became pleased with the little girl, who was very smart. She was too young, however.

The next witness was Fernando Jones of Chicago, who in 1878 had boarded at the same house with Guiteau in that city. For four years witness had been one of the board of trustees who had supervision over the insane asylum at Jacksonville; that was previous to the time he met Guiteau. He had formed an opinion as to Guiteau's mental condition, considering him to be of unsound mind, and what some authorities would call in a state of incipient insanity. At that time the prisoner was memorizing

lectures on Mormonism and the second coming of Christ, and talked very incoherently.

On cross-examination witness stated that in 1878 he had paid several visits to Guiteau for the purpose of helping him out of a difficulty—something in regard to collecting money and not paying it over.

The Prisoner. That part of the statement is incorrect; it is erroneous. I boarded some years ago in the same house with him; it was a high-toned place in Michigan avenue, in Chicago, and I paid my board. Probably he and other people thought that I was very cranky at that time.

On redirect examination witness stated that later in 1878 he had seen Guiteau in New York, and he observed that his ideas had become exaggerated, and that he was not in a sound state of mind.

The examination of this witness having been completed, a buzz of expectancy ran through the assemblage as Mr. Scoville asked that the prisoner be sworn.

The prisoner nervously proceeded to the witness-stand in the custody of two deputy marshals, and the oath was administered to him. He then whispered a few words to a policeman who was standing near the witness-box, and immediately the three deputies ranged themselves, shoulder to shoulder, behind the prisoner, who, apparently more at ease, said inquiringly to the Court, "I can sit down?" "Yes," replied the Court; and the prisoner seated himself accordingly.

Mr. Scoville then stated he merely wished the prisoner to identify some letters.

The Prisoner. I understand from Mr. Scoville that all I am to do is to identify some letters. I do not appear as a witness aside from that,

Mr. Scoville then presented a number of letters dating from 1857 to 1868, which were identified by the prisoner, who made running comments upon his penmanship: "This does not look like my present handwriting; there is a decided improvement shown here; this is better than I can do now; this is as fine as steel-plate."

There were about twenty letters, which had been written by the prisoner to his father, his sister (Mrs. Scoville) and his brother (J. W. Guiteau), and to Mr. Scoville.

The identification having been completed, the Court, at hree o'clock, adjourned for the day.

John W. Guiteau, brother of the prisoner, in his testimony betrayed the same mental defect that his sister had shown in not being able to remember dates. There was general laughter when the witness stated that his brother once said he had settled a debt by giving his creditor a note. During the recital of those features indicating the prisoner's mental weakness or silly conduct Guiteau was absorbed in reading, and seemed anything but pleased. He was incensed when his brother alluded to a board-bill. Guiteau said he paid that board, and if the record was at hand it would be seen that he had done as well as his brother in this respect. Wilson Guiteau's account of his first interview with his brother in jail was remarkable for the strange ideas and conversation on the part of the prisoner. The old family Bible was produced; in it are recorded the births, marriages and deaths of the members of the Guiteau family. Mr. Scoville read the record.

Guiteau during this time rested his head on his left hand. He would occasionally look around, his face bearing a weary, desolate expression utterly devoid of animation. When Mr. Scoville sat down, Guiteau leaned over and had something to say to him. There was some commotion among the audience when the witness said he had in a meeting in Boston once stated that he thought his brother morally responsible to God, as he had years ago chosen evil rather than good. The prisoner solemnly said his brother became offended with him in Boston, and con sequently he did not come here with the force of a brother. Guiteau's statement that his brother and father had been out of sympathy with him made Mr. Davidge say, "Come now, come, Mr. Guiteau!" The merriment of this remark was increased by Guiteau's reply: "You just keep quiet, Judge." The audience was quiet until Guiteau said, "He has always thought me cranky."

The further interrogation of the witness led to a queer statement. Guiteau said he had never liked his brother as well as he had for the last few weeks. Wilson Guiteau said he had reproached himself for not regarding him as of unsound mind, and liked his brother more than he ever had. Mr. Davidge said to witness, "That's all right, Mr. Guiteau." According to the prisoner's explanation, he and his brother never quarrelled, but had a mutual dislike. The allusion about his board-bill irritated Guiteau, who declared he had never deceived any one about a board-bill. "Oh, go on! Go on!" said Mr. Davidge to the witness, who replied, "I am trying to go on now." The witness, on detailing the quarrel which he had with the prisoner in New York, said he conducted himself with as much forbearance as any man professing to be a Christian could. Mr. Davidge objected to this statement, and remarked that he had no right to try the with as as a Christian man.

CHAPTER VIII.

Guiteau on the Stand.—He Relates the History of his Life.—
Theologian, Lawyer, Lecturer, and always Insignificant.—
Emulating the Example of St. Paul.—Inspired by the Deity.—
Great Shrewdness of the Witness.—No Remorse for the Murder.

THE crowd that moved to the City Hall at Washington on the morning of the 29th of November was greater and more persistent than ever, the increased attendance being due to the expectation that Guiteau would be called to the witness-stand in his own behalf. As early as nine o'clock there were enough people outside of the building to more than fill the court room. The doors were, of course, closed and guarded by policemen. In a short while the corridors and halls were densely packed with people, more than half of the number being ladies. The crowd soon filled, not only the halls, but also the porticos and esplanade. It was almost impossible for any one to get through this blockade. Many who were in the halls tried to return to the outside of the building, but it was not practicable. Witnesses, medical experts and reporters had no little difficulty in gaining admission. Hundreds of persons were obliged to return home, as the building was already overcrowded. Many, however, with the vain hope of finally getting in the court room, remained, and there was a crowd both in the halls and outside of the building and in the court room. Ladies as well as men were satisfied with a place to stand,

Of course there was the usual hum among the spectators, and every few minutes the bailiff would enjoin silence.

The entrance of Guiteau caused unusual commotion. The prisoner was not so pale in appearance as on the day previous. His eyes twitched, and there was a wild, unsteady movement in them. He was more haggard in feature and seemed weaker than yesterday. He did not move as quickly nor was he as much inclined to talk. Mr. Scoville had no sooner said that he wanted the witness to take the stand than the interest in Guiteau's expected narrative caused commotion, and many arose to their feet. Guiteau was conducted to the witness-stand and every eye in the court room followed him. When he objected to being examined he clasped his hands and rested his arms on the top of the witness-box. Mr. Scoville said he would only ask him a few questions and make his examination light. Guiteau said his objection was based on the fact of his being unwell and unwilling at this stage of the proceedings to state his whole defence. When Mr. Scoville stood by the witness-box sorting the letters, Guiteau bent over and said something to him about the matter. The prisoner seemed or assumed to be as unconcerned about the interest manifested in him as if he were deaf and blind. There was a good deal of whispering among the spectators, nearly all keeping their eyes on Guiteau. Just before Mr. Scoville began to read the letters Guiteau asked to take his seat at the table, as it would require an hour to get through the documents. This was construed to mean that he was afraid to remain in so exposed a situation longer than absolutely necessary. After a little while Guiteau began to write and then interested himself in a law pamphlet. Occasionally he would give some explanation about portions of his letters referring to board-bills, theology and the Oneida Community.

While Mr. Scoville was reading the letters the densely packed crowd that occupied standing-room in the left corner, made a good deal of commotion. About every five minutes the bailiff had to cry, "Silence!" The letters wherein Guiteau praised the Oneida Community were anything but pleasing to the prisoner. He declared that he regretted he had ever written them or had got among the Oneida people at all. In one letter, which he wrote in New York shortly after leaving the Oneida Community in 1865, he claims to be inspired by God. When this portion of the letter was read, Guiteau said, "That is what I claim, divine inspiration." Occasionally some queer passage in the letters would cause the audience to laugh despite the remonstrance of the bailiffs. When Guiteau was given the appeal which he had issued against the Oneida Community in 1868 the spectators were very eager to observe every motion, and not a few laughed. However, when Mr. Scoville read this circular there was a sudden change in the countenance and conduct of the spectators. The ladies were especially silent, and many hung their heads as the details of the horrible practices among the Oneida people, as set forth in Guiteau's appeal, were read.

After this Guiteau was put on the witness-stand and was examined by Mr. Scoville in regard to his former life. He occupied a seat in the box, a detective, a deputy marshal and three policemen standing immediately back of him. His declaration of his father's marrying without consulting him, which he designated as "a strange way of doing business," was accompanied by a smile; but the prisoner was quite excited when asked about his early education. Slap-

ping his hands together, he declared be could never forgive his father for "sinking me into that stinking Oneida Community; he did not want me to get an education, but wanted me to save my soul."

Most of those who secured seats remained in the room during the recess, and when the court reassembled the attendance was as large as during the morning session.

At the opening of the court Mr. Scoville put in evidence a copy of an extract from the record of the Bloomingdale Insane Asylum as to the admission and death of Francis W. Guiteau.

The District Attorney admitted the fact that F. W. Guiteau died there insane at the date indicated.

The prisoner was then directed to go to the witness-stand, which he did, closely attended by the deputies and police officers who had the immediate custody of him. As soon as he took his seat he was asked by Mr. Scoville to state to the jury his earliest recollections of his mother. His response was:

"Do I understand, Mr. Scoville, that I am put on the stand now as a regular witness or merely to identify papers? I object to going on as a regular witness at this stage of the case. I understand there are other witnesses to be examined before I am called. I do not want the prosecution to take advantage of my presence on the stand at this particular time. I am not very well now, but in the course of the week I shall feel better."

Mr. Scoville—I have made arrangements to examine you to-day. Other witnesses are not in attendance.

The Prisoner—You ought to have notified them to be here.

Mr. Scoville—I will make the examination very easy for you.

The Prisoner—I have got a good deal to say; I want to go over the whole business carefully and scientifically, so to speak, and I want to be in good talking condition.

Mr. Scoville-I will only ask you some simple questions.

The Prisoner—I am willing to answer, provided the prosecution will not take advantage of my attendance on the stand to force me to state my entire defence.

Mr. Porter (of counsel for the prosecution)—We shall be under the necessity, whenever the prisoner is examined, of cross-examining him. Mr. Scoville may relieve himself of the difficulty by proceeding now to read the papers that were introduced yesterday. They must be read at some period of the trial and might as well be read now.

The Prisoner—I like that suggestion better.

Mr. Scoville—I have endeavored to arrange my examination according to my understanding of what is appropriate and best. I know that there are letters and record evidence which will take some time. I supposed that the prisoner would become tired, perhaps exhausted, and when such a contingency arose it was my intention to proceed with others. I know that the prisoner is not in a very good state of health, and if he requests that the examination be suspended on that account I will suspend it and go on with others, but I would like to ask him simple questions this morning.

The Prisoner—I am perfectly willing to do that, but I don't want to be forced to state my defence at this particular time.

Mr. Scoville—The Court will relieve you if you feel ill or indisposed.

The Prisoner-With that understanding I will go on.

The District Attorney—We will not submit to that arrangement.

Mr. Scoville—I did not ask you. I said that I would appeal to the Court if necessary.

The Prisoner—I want the decision of the Court on the question whether I am to be forced to go into my entire defence now or whether I am only to answer a few questions.

The Court (to Mr. Scoville)—If you want to suspend the examination of the prisoner after commencing it you must get the consent of the other side.

The Prisoner (approvingly)—That is the rule, as I understand it.

Mr. Scoville—But if I choose to suspend the examination and to read the documents that have been identified, I understand that I can do that.

The Court—That is a separate piece of testimony apart from the testimony of the prisoner. I think that without the consent of the other side you must go on with the examination of the prisoner continuously. If the prisoner objects to that you had better not commence his examination now.

The Prisoner—It is better not to proceed now. I have not been very well for three or four days. There are other witnesses who can be called just as well.

Mr. Scoville—They are not present this morning, but I will read the letters now.

The Prisoner (with an expression of relief)—I ought not to be forced on the stand at this stage of the trial.

The Court (to the prisoner)—You are not forced to testify at all, but if you do testify you must submit to cross-examination.

The Prisoner-I understand that.

Mr. Scoville then proceeded to read the letters alluded

to, and which were identified by the prisoner yesterday. While this was in progress the prisoner resumed his customary seat. The letters sent by the prisoner to his father during the fall of 1857 contained nothing of interest. They merely acknowledged the receipt of money from the father, and gave a detailed statement of the expenditure of the same by the son.

The Prisoner—I was using my own money. Father was my guardian, and would not send money unless I sent a detailed statement every week or two.

Several of the letters were signed "C. Julius G.," and the prisoner commented upon that fact by saying that he must have been badly "cranked" when he signed his name in that way.

The first letter in which any theological theories were announced was one directed to his sister Frances, in November, 1859, in which he eulogized the Oneida Community and stated his great admiration for Mr. Noyes.

The Prisoner—That is the way my father used to talk about the Oneida Community. I was about seventeen years old when I wrote that letter, and considerable of a crank too.

In a subsequent letter to his sister the prisoner says:

My eternal marriage to Jesus Christ and His people in this world, hades and the resurrection world, is pre-eminently paramount to every other attraction.

In a letter written to Mr. Scoville, from the Oneida Community in 1869, Guiteau says:

I have forsaken everything for Christ—reputation, honor of man, riches, fame and worldly renown—all hankering after the things of this world have ceased, I hope forever. This association is the germ of the kingdom of God, and

we expect, without wavering, by the steady, irresistible advance of this association the conquest of the whole world.

In reading this letter Mr. Scoville hesitated over a certain word, but the prisoner, with his ready memory, unhesitatingly gave the proper word, and then continued, alluding to the paragraphs about the Oneida Community: "That shows how badly fooled I was to mix up with those people. It makes me mad to think of it. I would be better out of existence."

In a letter written to his father in 1865 Guiteau expresses his desire to extend the sovereignty of Jesus Christ by placing at his disposal a powerful daily paper. This letter was read by Mr. Scoville in his opening remarks, and contains the claim of the writer that he was in the employ of Jesus Christ & Co. The writer also asks his father to send him \$100 or \$200.

"Father didn't send the money," explained the prisoner; "he thought I was badly cranked."

In a letter written from Brooklyn, N. Y., in 1868, Guiteau states that he wants to see the Oneida Community wiped out, and to that end he encloses an appeal.

The appeal was handed to the prisoner and identified by him. "I think that I issued it about that time," said he. "That is the way I felt about it. If I had any money or friends I should have them cleaned out, sure. I recognize it as my work. It was like a retaliation for living at that hole."

The Prisoner—Some of the New York papers at that time sustained that appeal by editorial comments. I am very glad to say the Oneida Community is wiped out now and has been for two or three years. I was a virtuous man all the time I was there.

The last letter was dated from the Cook County Jail, a circumstance which was explained by the prisoner by saying: "I had been arrested by an infernal little whelp for \$20. I was on theology and law together at that time and did not attend to my business. The District Attorney released me. That is all there is to that."

The prisoner was again led to the witness-stand, where he took his seat and submitted to an examination by Mr. Scoville, as follows:

- Q. Tell the jury your earliest recollections of your mother, if you recollect her at all? A. Mother died when I was about seven years old; I do not recollect anything special about her; I have always felt that I never had a mother.
- Q. Can you recollect her appearance? A. I recollect nothing about her at all, except she was an invalid and confined to her bed; that is the only recollection I have of her; it was probably during her last illness.
- Q. After her death where did you live? A. At Free-port, with my father.
- Q. Do you remember removing to Ulao, Wis.? A. Yes, about a year or two after my mother's death.
- Q. Do you recollect when your father married the second time? A. Very distinctly.
- Q. Were you in Freeport then? A. Yes, I was living with him; he was agent at Freeport for what is now the Northwestern Railroad Company.
- Q. Do you recollect when your sister (Mrs. Scoville) was married? A. Very distinctly.
 - Q. Were you there then? A. I was.
- Q. Do you know what year it was? A. My sister was married in January, 1853, and my father was married in

September, 1853; I think I went to live with you some time during the spring after you were married.

Q. Where? A. In Chicago.

- Q. What did you do there? A. I boarded at your house, and did chores and went to school; I was twelve years old then; I went to a private school; after several months I went back to Freeport, and lived with my father; he was married in September; I know that I was very indignant at his going off to get married without consultation with me; I was so indignant that I got on the cars that night, and went back to your house in a great state of wrath; my father started in the afternoon for New York; he went to Cazenovia to get married; his wife had formerly lived at Freeport, where she was in business as a milliner; she had gone to New York on a visit, and my father went off in the afternoon without consultation with me; he left word at the office that he had gone off to get married, and I was very indignant about it; I thought it a very strange way of doing business.
- Q. Were you in Freeport when he returned with his wife? A. Yes; I think I was. (Correcting himself.) No; I think I was at your house; the night that I left Freeport, when my father went to get married, I had not a cent of money, but I told them on the railroad who I was, and they allowed me to pass to Chicago.
- Q. Do you recollect now how long you attended school from your mother's death till your father's second marriage? A. That was all I did at Freeport after I got old enough; I think I attended school every winter from the time I was seven till the time I was twelve.
- Q. How old were you when your father married the second wife? A. I was twelve years old.

Q. How long did you attend school after that before you went to Bell's Commercial College? A. I don't think I attended school at all; my impression is that I was writing in my father's office for a year or two; I think I got uneasy at that, and wanted to get an education; I made up my mind to go to Chicago and attend Bell's college; that was when I was about sixteen years old; my father was always opposed to my getting an education; he thought the great thing for me to do was to save my soul, and that the only way to save my soul was to go to the Oneida Community; that was his theory; the only way to save my soul or his was to go into that stinking Oneida Community; it makes me mad to think of it; the greatest outrage ever perpetrated on a boy was the act of my father in running me into that; I have never been able to forget it from that day to this; I would have gone to school and college and to a law school if my father had been out of the way.

The prisoner had commenced giving his testimony in a rapid, nervous manner; but when he began to speak of his father and of the Oneida Community, he became more rapid, nervous and excited, and occasionally pounded the railing before him with his fist.

Q. When did this idea come to you of going to the Oneida Community? A. I drank it in right from my mother's womb, not actually, but spiritually; my mother was dead, and my father was both father and mother to me; I drank in the fanaticism under his influence at Freeport; he used to talk it by day and by night; to sleep over it, to dream over it; he could not see any way to save his soul or mine except by getting into the Oneida Community.

Q. How long did you attend Bell's Commercial College?

A. One winter; then I went back to Freeport, and went

to work in my father's office; he was clerk of the Circuit Court and recorded all the deeds in the county.

- Q. How long did you work there? A. I worked there until I made up my mind to go and get an education, against my father's will; all that time I was fighting my father, because he was opposed to me getting an education; he was so thoroughly bedeviled by Noyes and the Oneida Community, that he could see nothing outside of them.
- Q. Did you consult him about your going off? A. Yes, and we had a terrible noise about it; I wanted an education, and he thought that his duty was to save my soul; he was all the time upon my soul.
- Q. What argument did he use in regard to saving your soul? A. He said that if I got to be the greatest man that ever lived, and was not saved, it would count for naught in the end; and he was correct in that; that was his way of saving my soul.
- Q. How? A. Running me into the Oneida Community as he did, and keeping me there a slave, practically, for seven years; there is the greatest sympathy between that Community and Mormonism, and I hope that the United States Government will wipe out Mormonism, now that the Oneida Community is gone.
- Q. Did you ever go to Ann Arbor to school? A. Yes, in September, 1859, when I was eighteen years of age; I went there contrary to my father's advice; I remember distinctly that I got \$60 from him on a Saturday afternoon to go with, and, hit or miss, I was determined to go; he did everything he could to prevent my going; but as my guardian (pronouncing it "gardeen") he had control of \$1,000 which my grandfather left me, and he gave me \$60 to go to Ann Arbor; as soon as I got there he began

to fire letters at me; he used to write me two or three letters a week, each of them three or four pages long, telling me about Noyes and the Community, and that education would not be any good for me, if I did not go to the Saviour; I drank it all right in; it was the first religion that I had.

Q. Did you have any works of the Oneida Community with you at Ann Arbor? A. Yes, my father sent me all the Community works.

Q. What were they? A. A book called The Berean, written and published by Noyes; another book called The Bible Argument, in which they advocated their social theory; and a paper called *The Circular*; father sent it to me regularly every week; he dosed me with that kind of stuff.

Q. Did you go on with your studies at Ann Arbor? A. Yes, I went on with my studies, and I kept reading these Oneida Community books up to twelve or one o'clock at night; there is where I ruined my eyes, and they have been weak from that time to this.

Q. What was the result of your studying there? A. The result was that I went to the Oneida Community; I left Ann Arbor in June, 1860; there was a man named John Lord, a silk agent; he left Ann Arbor and met me at Niagara Falls; we were there a few hours, and went to Oneida that night.

Q. You met him by appointment? A. Yes, it was all fixed; he had been a member from his boyhood.

Q. Did you go direct to the Community? A. Yes, sir.

Q. When did you pay in your money? A. I should say in a few months after I went there; my father sent \$900 which he had held as my guardian; he sent a draft to the Community; and that is the way they got hold of it.

Q. You say that your father was to blame for your

going to the Community; how so? A. If my father had been out of the way, I never would have gotten under the fanaticism.

- Q. What was the fanaticism? A. I look upon the whole thing as the most distressing fanaticism ever concocted by the brain of man; . . . I was practically a Shaker all the time I was there; they held the theory that if a man left the Community, he would be damned; I made up my mind that I was in hell anyway, and resolved to go, but as a matter of fact I went clandestinely.
- Q. Did you believe that you would be damned if you left the Community? A. More than I do that I am alive; I had that belief all the time that I was there, and after I left the Community I was haunted by that old Noyes and his stinking fanaticism; it had such an influence on me that it was all I could do to keep from going back; so you may know the spiritual pressure upon me; I felt haunted and depressed for fear that I had lost my eternal salvation by leaving the Community; after I went to New York I got acquainted with the Young Men's Christian Association and joined Beecher's church, and came gradually under new influences; my mind was awakened to the fanaticism of that hole, and the scales fell from my eyes; that is the way I got out of that place.
- Q. Did Noyes have the theory of inspiration? A. Most decidedly; he claimed that his Community was the beginning of the kingdom of God upon earth; that he was God's partner, and that there was no way to be saved except through him; he thought that he was a greater man than the Lord Jesus Christ.
- Q. Did you believe it? A. I believed it decidedly at that time, and therein came his power over those people—

by the infusion of the idea that there was one God and Noyes was his partner.

Q. To come back to your boyhood; was there a river near Freeport? A. There was a little stream in which the boys used to go swimming; I don't recollect whether I went; very likely.

Q. Do you remember getting a blow on your head when a boy? A. Yes, I have the scar now.

Q. State how that happened? A. I was going up the street when a little fellow struck me on the head with a stone; I thought I was dead, and made a noise about it; I have a scar on my head in which I can put my little finger about half an inch.

Q. Did any other person besides your father exercise over you the care of a guardian? A. No, sir. He had full charge of me.

Q. Did you have counsel or advice from any person else? A. No, sir; my stepmother and I never got along well together; she never cared much for me, and I never cared much for her.

Q. When do you first remember your father's peculiarities about religion? A. I remember as a boy he used to think it wicked to go to church and Sunday school; he thought he was so holy and good that it was not necessary.

Q. Did he think that of you? A. I presume so; I remember distinctly that I used to go to Methodist and Presbyterian churches, being naturally of a religious turn; he did not think it at all necessary, and he wanted to run me right into the Community.

Q. Did he have family prayers? A. No; he used to think it wicked to pray in the ordinary way.

Q. What did he substitute for it, then? A. When we

took a meal we would gather round the table and he would say, "I confess Jesus Christ in this food; I thank God for John H. Noyes and the Oneida Community," making Noyes a substitute for the Lord Jesus Christ; that is the short of it.

- Q. Do you recollect any of his expressions of faith in Christ? A. He was religious—nothing else; he used to do his work in a mechanical sort of way; the rest of the time his mind was on religion and the Community; he used to dream over it day and night.
- Q. Did you ever hear him say anything about joining the Community? A. Oh, yes; he was anxious to go there; he would have gone there except for his wife; my mother would not allow her daughter to go there, and that rather offended old Noyes, and he would not allow my father to come.
 - Q. His wife would not go? A. No.
- Q. Was that the cause of the difficulty between them? A. Very decidedly; they were at loggerheads all the time, for my father's heart was in the Community for twenty-five years and his body was in Freeport.
- Q. Had your father any peculiar ideas about healing diseases? A. Oh, yes; he was cranky, terribly cranky upon that.
- Q. What makes you call him a crank? A. That is a short way to say that a man is very badly insane.
- Q. What was there about his ideas or conduct that was peculiar? A. He used to say that he was in such perfect accord with the Saviour and the Deity, through faith and through the Oneida Community, that diseases were something entirely irrelevant to health spiritual, and that if a man was sick it was because the devil had got the start of

him, and he prepared to resist the devil by Jesus Christ; if a member of his family was sick he would go to the bed to excommunicate the devil by talk, prayer and so forth.

Q. Did you ever see him do it? A. I think I can recall the cases stated by Mr. North.

Q. How, in reference to your father's conduct, did he put those ideas in use in practical life? A. Oh! yes; he believed with the Oneida Community in making everything common—common property; that is their doctrine; if a man goes there with \$10,000 he is not counted any better than a man with ten cents; money does not count anything at all there.

Q. Did your father carry out those notions of his? A. I think in 1859 he bought a farm in Freeport and proposed to establish a branch community at Freeport, and he wrote to Noyes, and Noyes and Burt went out there to see the propriety of establishing a branch community on my father's farm.

Q. How was your father as to sincerity? A. He was a very conscientious man and a very honest man.

Q. As to intensity of belief or conception? A. He was very intense; he could not bear any adverse talk about the Community.

Q. Did you ever have any controversy with him on that subject? A. I did prior to my becoming religious; I do not think I had religious sensibility until I was about seventeen and a half; I went to Ann Arbor when I was eighteen; prior to that I used to think he was crazy; I did not believe in his religion or any religion prior to my conversion—"conversion" is the word they used; that conversion was some time in 1859; prior to that I had been rather worldly, like most boys of my age.

- Q. When did that conversion culminate? A. I was gradually lending myself to my father's spirit, and under the influence of that spirit I got into the Oneida Community.
- Q. Did you ever adopt your father's belief as to healing diseases by the effect of faith? A. I did somewhat; I remember some of the time when I was in Oneida I was sick and had a headache; I used to say to the devil, "Go away from me, old devil."
- Q. Did you do that in fun? A. Dead earnest; you may be sure of that; dead earnest; many people do not believe in doctors; they (referring to the Oneida Communists) say a man is sick because he is possessed of the devil, and that if they excommunicate the devil the man will be restored to health.
 - Q. Did you believe that? A. Decidedly.
- Q. When did you get over that idea? A. By the time I got my eyes open from the other ideas; when I got under the influence of the Young Men's Christian Association and Beecher's Church; Beecher was supposed to be a virtuous man at that time; I do not know anything about him now, except what I said the other day.

At this point a recess was taken, after which the prisoner resumed the stand; he related how he had left the Community in 1865 and gone to New York, where he had paid \$5 a week for a room over a bakery; he had got thoroughly disgusted living in Oneida; he made up his mind he was in hell and that if he ever got in another place he would have a respite; he had gradually become dissatisfied with the whole business—social, spiritual and everything else; he went to New York intending to establish a great theocratic paper; the letters which had been read indicated the

condition of his mind very well; he consulted with printers and editors and reporters and these kind of people, and they had discouraged him; he proposed to call the paper The Theocrat, and one of those wise newspaper fellows thought that that was enough to damage the paper; so he gradually abandoned the idea; in August of the same year he went back to the Community; he was haunted day and night by the idea that perhaps he had missed his eternal salvation; he could not get any relief, and he went back to the Community.

Q. Did you get relief there? A. Yes, I could not get it any other way.

The prisoner went on to relate, in reply to questions by Mr. Scoville, how he came to be admitted to the Bar. He said that he read law for three or four months in the office of Mr. R. Reynolds, in Milwaukee, and that then Mr. Reynolds told him to go and see Charlie Reed, the District Attorney of Chicago; he went to see Reed, who took up a sheet of paper and began to write something like this:

We hereby certify that Charles J. Guiteau has been examined by us, and we consider him qualified to practise law in the Supreme Court of the State of Illinois.

Then Reed said to him:—"Take this paper to Judge Williams, the Judge of the District Court, and you will be admitted on your getting a certificate of good moral character." He went to Judge Williams, who signed the paper as a matter of course. "That is the way," added the prisoner, "that I was admitted to practice; I made \$3,000 the first year in Chicago, and \$2,000 the second year."

Q. Did Mr. Reed ask you any questions? A. He asked three or four questions and I think I answered all of them; possibly I may have missed one.

Q. When you then opened your law office in Chicago what did you do? A. I went around among business men—high-toned business men—and I got business from first-class merchants; I would go up to a man and show him my card and references (I had always good references), and that is the way that I got business—on my references and my appearance (laughter); if a merchant said to me, "Call in again and I will look up my accounts," I would follow that man right up until I actually got his business; that is the way I got business in New York and Chicago.

The prisoner then related his experiences in practising law in New York from 1871 to 1875, and said that if he had not been troubled with the New York Herald and had let theology alone he would have done well; he made \$1,500 there the first year and \$2,500 the second year; then he had that trouble with the Herald and had got run down and demoralized; he had gone to a hotel one rainy night and had been arrested by an impudent detective who took him to the police station; he was in the Tombs about thirty days at that time, when Mr. Scoville went to District Attorney Phelps and got him off; he felt immensely relieved at getting out of that terrible place; he was five days in Jefferson Market and thirty days in the Tombs, and he was during that time deserted by all his supposed friends-lawyers who ought to be ashamed of themselves for their desertion of him; that was the unhappiest streak of luck he had ever struck in his life; at Jefferson Market he was put in a miserable dark hole with three or four of the lowest class of New York bummers-fellows whom it would make one sick to look at; he thought that the keeper did it out of spite because he was a decent and well-dressed man; after he was released from the Tombs he went and got some articles of attire and put himself for two hours in a bath-tub of boiling hot water.

A day or two after that he went to Chicago and opened a law office and did well; he always could do well at the law business if he stuck to it; that was about the 1st of February, 1875, and he settled right down at the law business and did well until the following September; then he got the idea into his head of getting hold of the Chicago Inter-Ocean, and he went to wrestling with that idea for two or three months; the stock of the Inter-Ocean was very low at that time; the proprietors had sunk all the money they could raise; he presumed that the paper had then cost them about \$200,000 or \$300,000, and he thought that the proprietors would be glad to get rid of it for \$75,000; he consulted some of his wealthy friends (or supposed friends), but they thought it was not advisable to go into the newspaper business then; after exhausting himself three or four months on that he gave it up.

Q. What do you mean by exhausting yourself? A. I stuck to it, as I always do to an idea, until I got exhausted physically, morally and financially; I had used my friends as far as I could, and had to go to work to make a new start in the law business in Chicago.

Q. What was your idea in buying the Inter-Ocean? A. I proposed to make it the great newspaper organ of the West; I proposed to put into it the advertising patronage of the Chicago Tribune, the republicanism of Horace Greeley and the enterprise and snap of James Gordon Bennett; I suggested it to some first-class newspaper men and they said that it was a brilliant idea and they thought it feasible; if I had got hold of the money it would have been feasible.

- Q. How much money did you want? A. I believe that \$75,000 would have bought up the whole concern; I consulted several parties about it, and they all thought it a grand scheme, but would not put money into it, and so it fell through; among others I applied to Mr. Adams, President of the Second National Bank of Freeport, supposed to be worth \$500,000.
- Q. Did you offer him any inducements? A. Yes, I told him I would make him Governor of Illinois, and he said that he did not want to be Governor; he had been State Senator and was a man of reputation and character, but he did not pan out very well after my interview with him.
- Q. What do you mean by his not panning out? A. He did not have any political aspirations; I wanted to get hold of those fellows who had both aspirations and money; they were the kind of fellows to help me; Adams did not have political aspirations; he did not seem to care anything about being governor; he was a man of about sixty years old, and he preferred his old simple way of living, and did not care to go into politics; I also consulted my old friend, Charlie Reed, on the subject; I believe that he put \$25 into it, which he has not got back yet (laughing); I went to theology after that, and that was worse than the newspaper business.
- Q. Did you have, at any time, an idea of publishing the New York Herald simultaneously in Chicago? A. That was part of the Inter-Ocean scheme; Mr. Nixon was then proprietor of the Inter-Ocean, and my idea was, in starting the new concern, that Nixon was to be the manager and financier, and I was to be the editor; I gave him some ideas about duplicating the despatches of the New York Herald, which, I notice since, he has realized.

- Q. Did you take any steps for securing a building to carry on the new paper? A. Yes, I went to look at a building on Fifth avenue, which I thought would be a good one; I inquired who owned it, what it could be rented for, etc.
- Q. Did you take any steps to obtain printing presses? A. Yes, I consulted with Hoe's agent at Chicago.
- Q. How many presses did you arrange for? A. I cannot recollect the details; I went through all that business and worked it out in detail in my own mind; I went around among newspaper men, pressmen, etc.
- Q. Did you arrange for telegraph despatches? A. I consulted the manager of the Western Union Telegraph Company, and also the manager of the Atlantic and Pacific Telegraph Company. The Atlantic and Pacific was just starting at that time, and its manager was an active young fellow who wanted to get business. I said that I proposed to duplicate the New York Herald despatches, and he thought it an immense thing—and so it was.
- Q. Did you have any plan in your mind for obtaining the *Herald* despatches? A. I wrote to James Gordon Bennett at the time. I got no answer, and I believe he was then in Europe.
- Q. What inducements did you hold out to Mr. Bennett to furnish the despatches? A. Nothing very pressing; I think I told him that if he helped me out in the matter I would consider the *Herald* suit at an end.
- Q. Did you consider that a fair equivalent? A. Yes, because I had no doubt that I would have recovered \$10,000 or \$15,000.
- Q. After you gave up the newspaper enterprise in Chicago what did you next do? A. That brought me down

to the winter and spring of 1876; I tried to pick up law business again, which I had neglected, but law business was scarce, and I found it hard to get any; then I went out to your place in Wisconsin; I worked around the house, studied theology and the New Testament, read the papers, soaped trees and all that kind of thing.

Q. Do you remember the circumstances of your soaping trees? A. Yes; I remember my sister advising me to go down one morning and soap some fruit trees, but I could not tell fruit trees from other trees; I am not a horticulturist or farmer. I remember her laughing at the time.

In October, 1876, I was in Chicago during the Moody and Sankey meetings; I attended prayer-meetings and services regularly day and night during the three months that Moody was there from October to January; during all that time I was with Moody and bore an active part.

- Q. What did you do? A. I was an usher and helped around in a general way.
- Q. Did you speak at prayer-meetings? A. Yes, frequently.
- Q. To what particular branch or subject of religion was your mind directed at that time? A. Some time in November, during the Moody work, I heard Dr. Kittredge, of Chicago, pastor of the Third Presbyterian Church, say in reference to the text, "If I will that he (meaning John) tarry till I come, what is that to thee?"—"Brethren, I have to confess, as a man of God, that I do not know what that means;" at that time there was considerable expectation in the public mind that the Saviour might soon appear, and that idea has pervaded people's minds ever since; that set my brain awhirling, and I began to investigate it; I went to work in the Chicago Public Library, and I dug

out my lecture on the second coming; as the result of that investigation I went to work and wrote my lecture; the idea of that lecture is briefly this:—That the second coming of Christ occurred on the destruction of Jerusalem, in the clouds directly over Jerusalem; that it was an event in the spiritual world, and that the destruction of Jerusalem was the outward sign of His coming; I hold that for all these eighteen centuries the churches have all been in error in supposing the second coming of Christ to be in the future; that is the proposition on which my lecture was written, and that was the result of three or four years' investigation on that subject.

The witness then went on to relate his various failures in delivering his lecture in Chicago, Evanstown, Racine, Kalamazoo, Ann Arbor, Detroit, Ypsilanti, Toledo, Cleveland, Buffalo, Washington, Rochester, Syracuse, Albany, Troy and elsewhere. He frequently laughed as he repeated some of the humorous incidents of his failures; the various times that he was put off railroad cars for not paying his fare, and arrested for not paying his board-bills. At other times he grew excited in the assertion that in all that he did he was, like St. Paul, engaged in the service of God, and that God was therefore responsible for his board-bills. On this latter point he said :- I did not give up lecturing because of my repeated failures; I stuck to my work; my idea was that, as I was working for the Lord I would do my duty and let Him take care of me as He felt disposed; I went into that whole business to serve the Lord, not to make money; success or failure was nothing to me; I considered that the Lord's affair; my duty was to continue with my work; Paul had no success, because he had new ideas on theology; I kept thinking of Paul all the

time and how he stuck to his theology all the time; on my way from Baltimore to Washington I avoided the conductor who had ordered me to get off at the Relay House, and so managed to get on to Washington.

The strangest thing about it was that after I had changed my seat, a man came along to me and said, "My friend, are you going to Washington?" I said, "Yes;" he said, "Would you like a good boarding-house?" I said, "Yes," and he said he could take me to one; now I had been praying that I could get a boarding-house, as I did not want to go to a hotel, and I had no sooner got the prayer out than this man came along, and was just as free and easy with me as if he had known me twenty years; now, that I call providence; I have had hundreds of that kind of experiences where the Lord, in direct answer to prayer, has befriended me.

While the prisoner was giving his testimony he was watched most attentively by all the medical experts present, and with great curiosity and interest by every person in the crowded court-room. At times he showed his exhaustion by a lowering of his voice, and it was in consequence of one of these signs that, some ten minutes before the usual time of adjournment, the Court, at the instance of the District Attorney, adjourned.

The examination of Guiteau was continued on the 30th day of November without marked sensation. The husband of Guiteau's "ex-wife" was prominently in the foreground. She has not been present as yet. Among others were noticed Comptroller Knox, Congressmen Berry and Van Aernam, Expert Godding, of St. Elizabeth Asylum, and other prominent people. The experts are rapidly increasing.

That part of Guiteau's story to-day, bearing on the political phases of his crime, attracted the greatest attention. On two or three occasions the prisoner roused himself to a frenzy, but most of the time he showed a nervous sort of imbecility, which appears to be growing upon him recently.

In answer to questions of Mr. Scoville, Guiteau said that the Oneida Community believed in inspiration. They believed that Noyes was inspired of God and that the Community was the kingdom of God. Witness believed that the Deity could inspire him to do certain acts, just as He could the Apostle Paul. Guiteau was questioned about some minor matters and finally said: "I had better go on and talk about my experience in Boston four years ago and where we left off last night. I want to give a clear and graphic account of my career for four years. It takes in theology and politics and the cause for which I am now under trial." He then proceeded to give an account of his lecturing tours through the country. In February, 1878, he tried to lecture in Boston against Ingersoll. He found, however, people were very ready to pay fifty cents to hear that there was no hell, but wouldn't pay a cent to hear that there was a hell. The witness went on to tell how he went about the country lecturing and meeting with no success; how in August, 1878, he went to Milwaukee and failed as a lawyer and how he drifted back to Boston and published his book, "Truth," which fell flat.

"That brings us down to January 1, 1880," continued the witness. "I had no money, but got on the best way I could, and made up my mind I would go into politics." (At the word "politics" the audience, who had been listening in a listless way, became suddenly silent and paid the

strictest attention as the prisoner rapidly and with a great deal of gesticulation related his subsequent history.) had a great interest in General Grant's nomination. Chicago Convention came on, and I watched the proceedings with great interest. Finally General Garfield was nominated. I was in Boston at the time, but decided that I would go to New York and offer my services to the national committee and take an active part in the election of General Garfield." Guiteau left Boston in June. He called at General Arthur's house, but failed to see him. Then he went to Ploughkeepsie, and in spite of his advertisements no one came to hear him. Then he went to Saratoga with the same result, and then returned to the Republican headquarters in New York to offer his services. He only had one assignment to speak; that was at a meeting of colored people. He didn't speak over five minutes, as he didn't like the crowd. He consulted with Governor Jewell, General Arthur and others. They were very friendly, but told him they must have men of big reputation like Grant and Conkling to do the speaking. Witness added: "I was on free and easy terms with Arthur, Jewell and the rest of them. They always treated me delightfully. Thought I was a good fellow and commended my zeal for the cause." In his zeal for the cause he had his speech printed and sent it to prominent men. Witness made his first application for office soon after General Garfield's election. He related how he went to Washington and importuned General Garfield and Secretary Blaine for the Paris Consulship, until at last Mr. Blaine told him never to speak to him again on the subject. "They never told me," he said, "that I could not get the office. But so far as getting or not getting the Paris Consulship or any other office it had

nothing whatever to do with my inspiration" (raising his voice and speaking excitedly, as he thumped the railing in front of him). "That was purely a religious necessity, done under Divine pressure, for the good of the American people."

Guiteau said he gave up office-hunting about the 1st of May. Then he began worrying over the political situation and the falling out of Garfield and Conkling. He read the papers, thought the country was in danger and that the party was going to wreck. He wrote letters about it to the President and got no answer. "I kept reading the papers and kept being worried and perplexed and in a great state of mind about the future of the country. I think that that was the prevailing idea in my mind after I saw that the President and General Grant and this kind of men were wrestling and at loggerheads. I saw that this nation was going to wreck" (emphasizing the sentence with a bang on the railing).

Q. Did you find anything to confirm that opinion? A. Yes, the papers talked a good deal about General Garfield at that time. The newspaper articles confirmed my impression about what I saw occurring between General Garfield and Mr. Blaine.

Q. You have spoken of inspiration. What do you mean by that? State when it first came to your mind and the circumstances connected with it. A. Inspiration, as I understand it, is where a man's mind is taken possession of by—by—by a superior power and where he acts outside of his own nature, outside of himself.

Q. I wish to call your attention to the time and circumstances when this inspiration first came to your mind. A. It came to me one Wednesday evening—the Wednesday

that Senators Conkling and Platt resigned. At that time there was great excitement in the public mind in regard to the resignation and I felt greatly worried about it. I retired about eight o'clock that evening, greatly depressed in mind and spirit over the political situation. Before I went asleep the impression came on my mind like a flash that if the President was out of the way the difficulty would be all solved. The next morning I had the same impression. I kept reading the papers and kept my mind on the idea of the removal of the President. This impression kept working me and working me and grinding me and oppressing me for about two weeks. All that time I was horrified and I kept throwing off the idea and did not want to give it any attention at all-in fact, I shook it off; but it kept growing on me and growing on me and pressing me and grinding me until at the end of two weeks my mind was thoroughly fixed as to the necessity of the President's removal and as to the divinity of the inspiration. [Excitedly.] I had not the slightest doubt about the divinity of the inspiration from the 1st of June to the present moment. I felt just as confident as to the divinity of the inspiration then as I do now.

Q. Why did it occur to you that it should be done by yourself? A. I stated that in my speech published in all the papers on the 15th of November. [The address which he had expected to make to the Court.] I stated there that the Lord inspired me to attempt to remove the President in preference to some one else because I had the brains and the nerve to do the work and because the Lord always employs the best materials to do His works. I also say in that speech that the Lord employed me because He wanted to advertise my theological book, "The Truth," and be-

cause that book was published to save souls, not for money, and the Lord wishes to save souls.

Q. After the idea took full possession of your mind, about the first of June, what did you do with reference to that subject? A. I kept praying about it, and praying about it, and praying about it.

Q. What was the substance of your prayer? A. The substance of my prayer was that if it was not the Lord's will that I should remove the President He should in some way by His providence, interrupt it. That is always the way I have found the Lord. When I feel a pressure upon me to do anything and when I feel any doubt about it, I keep praying to the Deity that He may show it in some way if I am wrong.

Q. Did you get any information from the Deity as to whether you were right or wrong in answer to your prayer? A. Yes (in a loud voice and in an excited manner); I never had the slightest shadow of doubt on my mind as to the divinity of the act and as to the necessity for it to the great American people (with a bang on the railing).

Q. Wherein did it seem to you necessary for the good of the American people? A. To unite the factions of the Republican party, which were then in a most bitter and deplorable state.

After a recess Guiteau said he had always been a believer in special providences, and he mentioned what he termed four distinct instances in his life of his inspirations by the Deity. He also believed in the special protection of the Deity. He had felt all through his trial no concern whatever. He felt that the Lord and the government would take care of him. "The Lord," he added "is no fool. He uses the best means for His work, and he has provided all these

guards, the Court and the jury, and these experts to do His work and preserve me." Becoming much excited, and striking his hand repeatedly upon the desk in front of him, Guiteau shouted: "I have never had a doubt of my inspiration to remove the President. I staked my life upon it, and if I had not believed in my inspiration I never should have removed the President. The inspiration was firmly established in my mind early in June, and I have never had any doubt of the divinity of the act and its necessity. I undertake to say that the people of this country, when they know that another war has been prevented, instead of saying: 'Guiteau, the assassin,' will some of these days say: 'Guiteau, the patriot.'"

Guiteau then told of his arrest after the shooting and of his desire to go to jail. He said that his inspiration had made Arthur President and he supposed Arthur was his friend. He continued:

"I have had an idea in my head for twenty years that I should be President of the United States. I suppose people think that I have been badly cranked about that. I had the idea in the Oneida Community. I went to Boston with the distinct feeling that I was on the way to the White House, and I shall make it yet."

A laugh spread through the audience at this prediction, but to judge from the prisoner's manner and tone he was decidedly earnest in his belief. "If I am ever President," continued the witness, "it will be by the act of God. I shall get the nomination as Lincoln and Garfield did and I shall be elected as they were. I anticipate a decided change of public opinion in regard to me."

The cross-examination of Guiteau was conducted by Judge Porter and was in relation to the prisoner's life at Oneida and his career as a lawyer. Judge Porter questioned him at length on his will power.

Q. Did you say to Officer Scott, on leaving the depot after the murder of the President, "General Arthur is now President?" A. I decline to answer that.

Q. Why do you object to answering that? A. I suppose I did say that; (then he added excitedly,) I want it distinctly understood that I did not do that of my own personal volition, but on the inspiration of the Deity. I never would have shot the President on my own personal account.

Q. Who bought the pistol—the Deity or you? A. I said the Deity inspired the act, and the Deity would take care of it.

Mr. Porter—The question is, "Who bought the pistol?"

A. The Deity furnished the money with which I bought the pistol. I was the agent.

Mr. Porter—I thought it was somebody else who furnished the money.

The Prisoner—It was the Deity who furnished the money with which I bought the pistol.

Q. Were you inspired to buy that British bull dog? A. I do not pretend that I was inspired to do that specific act, but I claim that the Deity inspired me to remove the President, and that I had to resort to my own means to accomplish the Deity's will.

Q. The only inspiration you had was to use the pistol on the President? A. The inspiration consisted in trying to remove the President for the good of the American people, and (impatiently) all these details are nothing to the case.

Q. Did you contemplate his removal otherwise than by murder? A. No, sir (petulantly); I do not like the word "murder."

Mr. Porter—I know you do not like the word "murder." It is a hard word, but it is there.

The Prisoner—I do not recollect the actual facts in that matter (excitedly). If I had shot the President of the United States on my own personal account, no punishment would be too severe or too quick for me; but, acting as the agent of the Deity, that puts an entirely different construction on the act, and that is what I want to put to the court and jury and to the opposing counsel. I say that the removal of the President was an act of necessity from the situation and for the good of the American people. That is the idea that I want you to entertain, and not to settle down on the cold-blooded idea of murder, because I never had the first conception of murder in the matter.

At this period of the cross-examination, which the prisoner bore with considerable self-possession, although he occasionally got flurried and excited, the court at three o'clock adjourned.

A heavy rain, which fell on Thursday, the 1st day of December, about nine o'clock in the morning, kept many at home, who would otherwise have visited the court room. With the exception of the "regulars," as those ladies have been termed who have been seen in constant attendance since the trial opened, comparatively few ladies were observed in the audience. At the opening of the court, however, every available space in the court room was occupied.

The probable influence of the rain was "discounted" by the sterner sex, who have thus far been excluded until the ladies have been provided for, and, as a consequence, the great majority of the visitors to-day were males. Just before the opening of the court, Marshal Henry warned the audience against a repetition of any demonstrations on the part of the audience, saying, "We shall expect you to observe perfect order to-day, and avoid laughter and applause."

Upon entering the witness box, Guiteau desired, before resuming his evidence, to make a personal statement, and addressed himself to the audience, saying: "Two weeks ago I sent out an appeal for money. I did it on my own account, and the day afterwards Mr. Scoville publicly announced that it was without his authority. I again invite my friends to send me money in the interest of the cause of justice and for my defence. They can send five, ten or fifteen dollars, or a thousand if they wish. If they don't want to be known, they can send without name to Mr. Scoville."

Judge Porter then began a rapid fire of interrogatories, eliciting from the prisoner in his several replies that physically he was a coward, and always kept away from personal danger. Morally he was brave as a lion, when he thought the Deity was back of him. The Deity influenced him to remove the President. In his opinion, the doctors killed the President, not he (Guiteau). The acts of Jones and Mason, in attempting to kill him, were wrong, and they ought to be punished, unless they can show that they were inspired by the Deity.

Witness soon showed signs of impatience and excitability, and striking his open hand upon the desk, emphasized every sentence uttered. When pressed for answers he finally became obstinate, and shouted to Judge Porter: "I know you well, and I know bigger men than you. I've seen you shake your finger at witnesses in New York, but you can't scare me," and shortly after, when asked if he believed the Ten Commandments, to which he responded

in the affirmative, and if he believed that the commandment "Thou shalt not kill" ought to read, in his case, "Thou shalt kill" became exceedingly violent, and refused to discuss that matter at all.

"There was no murder in his case, and no killing." It was simply for the jury to determine whether or not his act in removing the President was inspired by the Deity or not. "It was all nonsense to split hairs any longer over that word. It must be distinctly understood that the removal of the President was the act of the Deity."

The witness proved decidedly obstinate, and, after flatly contradicting the testimony of General Logan, Colonel Reed and several other witnesses, he positively refused to answer several questions. His invariable response being, "I decline to discuss that with you." Witness seemed to be greatly annoyed at Judge Porter's habit of pointing his finger at him, as he frequently did in the way of emphasizing his interrogatories, and again broke out angrily, "You need not point your bony finger at me, Judge Porter. I've seen you do that before, but you can't scare me."

Witness was closely questioned with regard to the different boarding houses at which he had lived while in Washington, and became very uneasy at the bad showing he was making—by his own evidence—for honest dealing with his landladies. His recklessness soon found expression as follows: "I decline to go into this boarding-house business. It has no bearing on this case. I suppose I owe a hundred and fifty dollars in Washington to these genteel ladies, and some time or other I expect to pay them."

"When I have money," he continued, angrily, "I pay my debts, and when I have not, I can't pay them. That's all there is in it." Judge Porter—"Perhaps the judge will think differently."

Guiteau—Turning, with a smile and nod of satisfaction, to Judge Cox: "Your Honor will see how irrelevant all this talk is."

Judge Cox—" You were allowed great latitude, prisoner, in making your statement; you will reply to the question."

Witness was readily driven from one position to another till confronted with the evidence of his own witnesses, when he would unhesitatingly pronounce their evidence false. Once he emphasized his contradiction by saying: "Anything that I swear to, Judge, is true. You can put that down as a fixed fact."

Being pressed as to how he proposed to raise the funds which he had said he was expecting to receive, witness replied, "I intended to borrow it from some of my friends," and added, "I'll tell you, Judge, how I borrow money; it may be of service to you when you want to borrow for yourself. I don't lie nor sneak, but go right up to a man and ask him for what I want, and if he has got it, perhaps on the impulse of the moment he will give it to me; if not, that is all there is to it."

Witness was closely questioned about the purchase of the pistol, and was asked why he bought the one with an ivory handle instead of a plain one. He replied, "Because I thought it worth a dollar more."

Judge Porter—"Did you not say that it would look better in the Patent Office?"

Witness admitted that he might have believed, or thought that the pistol would some time be placed in the State Department.

Shortly afterward Guiteau became very indignant at

Judge Porter's use of the word murder, and shouted fiercely, "You seem to delight in the use of the words 'kill' and 'murder.' There's no use of your whining in that way; the mere outward fact of how I removed the President has nothing whatever to do with this case."

The prisoner, with flushed cheeks and the air of a tiger at bay, hurled his replies at Judge Porter for two hours, continually interrupting, however, the course of question and reply, to insist upon his position in relation to the Deity being thoroughly understood.

His shrewdness in detecting and anticipating any point which might be made against him was a marked feature of the investigation.

Judge Porter pressed him very closely to fix the day when he received his alleged "inspiration" to remove the President, and Guiteau finally shrieked out, "To remove all this loose talk, I want you to know that I would have removed the President at any time between the middle of June and the 2d of July if I had found an opportunity. I would have done it for the good of the American people."

Guiteau was permitted to include his passion for talking upon the pending political situation, at the time of the shooting, until, speaking of the President's ingratitude to Grant and Conkling, he was led by Judge Porter to admit that "ingratitude is the basest of crimes."

Judge Porter—"Stop there. What would you have thought of your act in killing the President had he given you the Paris Consulship instead of having refused it?"

Guiteau had previously said that Garfield was his (prisoner's) "warm personal and political friend;" that no personal motives whatever were involved in his act, and fearing evidently that some trap was being set for him, hesitated

a moment, then, with great emphasis, said: I want to first fasten you solid right here. I would not have taken the Paris Consulship after the first of June if I had been appointed to it, and the President and Secretary Blaine had both beseeched me on their knees to take it. I had at that time resolved to remove the President for the good of the American people.

At 12 o'clock recess was taken for one hour.

After the recess Judge Porter asked the prisoner if he had ever spoken with ex-Senator Conkling from March 6th until he wrote the letter to Garfield on April 29th, in which he said that Mr. Conkling had worked himself up to a white heat of opposition.

The Prisoner—I think I had met Senator Conkling several times and we exchanged, "How do you do, Senator?" and "How do you do, sir?"

Mr. Porter-When?

The Prisoner-During the months of March and April.

Mr. Porter-Where?

The Prisoner—On the street and at the Capitol.

Q. Did you speak with him on the street? A. Yes, decidedly.

Q. How many times? A. I met him once on the street, I remember distinctly. He was exceedingly cordial, and he bowed and said, "How do you do, Mr. Guiteau?" That was near the Patent Office, some time in March or April. I was on good relations with all those men during March and April.

Mr. Porter (slowly and with great deliberation)—Did Senator Conkling—

The Prisoner (interrupting)—Oh, don't look so fierce at me. I don't care a snap of my finger for you.

Mr. Porter-But you will answer my questions.

The Prisoner—Put your questions in a quiet, simple sort of a way and I will.

Mr. Porter—Did Senator Conkling ever promise to support your application for the Paris Consulship?

The Prisoner—I never suggested it to him. My expectation about the Paris Consulship was that I would get it through my personal influence with the President, Mr. Blaine and Mr. Logan, and that when my nomination went to the Senate Senator Conkling and that sort of men would see it through.

Mr. Porter—Did you write to President Garfield on the 10th of May: "I have got a new idea about 1884. If you work your position for all it is worth you can be nominated and elected in 1884. Your opponents will probably be General Grant and Mr. Blaine. General Grant will never be so strong again as he was just after his trip around the world. Too many people are dead set against a third term, and I do not think he can be nominated, much less elected. Two National Conventions have slaughtered Mr. Blaine on account of his railroad record. The Republican party are afraid to nominate him. This leaves the course open to you. Run the Presidency on your own account. Strike out right and left. The American people like pluck, and in 1884 we will put you in again."

The Prisoner—I wrote that letter.

Mr. Porter—Did it express your then opinion and intention?

The Prisoner—It expressed my opinion. I had no special intention about it.

Mr. Porter—You added a postscript: "I will see you about the Paris Consulship to-morrow unless you happen to send in my name to-day?"

The Prisoner—That is the way I felt and talked, but that was long before this political disruption.

Mr. Porter—Did you think that President Garfield, after reading this letter, would give you the Paris Consulship?

The Prisoner—I had no special thought on the subject.

Mr. Porter—You never thought whether he would or not?

The Prisoner-I had no answer.

Mr. Porter—Yet you had the Paris Consulship much at heart?

The Prisoner (angrily)—I did have the Paris Consulship at heart, and I told you so, but after the disruption of the Republican party I never thought of it any more. If you cannot get that in your head I refuse to discuss the subject any more. I have told you a hundred times that my getting or not getting the Paris Consulship had nothing to do with my removing the President.

Mr. Porter—Were you ever inspired with the idea that President Garfield would be re-elected?

The Prisoner—I did not have any inspiration on that subject at all. It was a mere casual thought of my own. I did not need inspirations for that kind of work.

Mr. Porter—How came you to write to Mr. Garfield on the 13th of May: "The idea of 1884 flashed upon me like an inspiration, and I believe it will come true?"

The Prisoner—I presume I wrote that letter.

Mr. Porter—Did you then believe it?

The Prisoner—All these letters were written prior to General Garfield's disrupting the Republican party, and it is mean and unfair in you to distort my letters. After he disrupted the Republican party by bringing Grant and

Conkling down on him, there was a very different condition of affairs. Now, I protest against this kind of work. It is not fair or manly in you.

Mr. Porter—You said in this letter that the idea about 1884 flashed through you like an inspiration?

The Prisoner—But Mr. Garfield killed the idea by his disruption of the Republican party. He had not sense enough (banging the railing violently) to appreciate the letter. He paid no attention to any of those letters because he was so bound up with Mr. Blaine.

Mr. Porter—Did you say that the President would have no peace until he got rid of Secretary Blaine?

The Prisoner—Yes, and that was the way that the stalwart and liberal papers all over the country talked. That was the way the Washington Republican and Gorham and that kind of people talked.

Mr. Porter—Did you say that Mr. Blaine was a wicked man?

The Prisoner—Yes, because he was using President Garfield, who was a good man and a kind man, but a weak politician. Garfield just sold himself, body and soul, to Blaine. That was what General Grant himself said in his letter denouncing Garfield for selling himself out to Blaine.

Mr. Porter—Was your motive for demanding Mr. Blaine's resignation because he had said to you on the Saturday preceding, never to speak to him again on the Paris Consulship?

The prisoner (excitedly)—I told you that it had nothing to do with the Paris Consulate. I want to ram that into you and put it down deep. [Laughter.] I am talking now about national politics and not about a miserable office, and

if you would try to get your brains to take that in it would be better. I am not a disappointed office-seeker.

Mr. Porter—On the 2d of July you wrote a letter to "The White House people." Whom did you mean by the White House people?

The Prisoner—I meant all the inmates of the White House.

Mr. Porter—Including Mrs. Garfield?

The Prisoner—Of course—the entire White House family.

Mr. Porter—You stated in that letter that the President's tragical death was a sad necessity?

The Prisoner—Certainly; a political necessity.

Mr. Porter—Did the Deity tell you that?

The Prisoner—That did not require any telling.

Mr. Porter—You say, "It will unite the Republican party." Who told you that?

The Prisoner—It did not require any telling (with excitement); and that is exactly what it did do, too. That shows that the inspiration was correct.

Mr. Porter—Who told you it would save the Republic?
The Prisoner—My own judgment told me so, and it proved to be correct.

Mr. Porter—You say that Mason fired at you while under the protection of the law. Did you esteem that to be a crime?

The Prisoner—Of course that was a crime.

Mr. Porter—Did it occur to you then, in the language of your letter to Mrs. Garfield and the White House people, that "life is a fleeting dream, and it matters little when one goes?"

The Prisoner—Those are my sentiments.

Mr. Porter—Does it matter much to you when you go? The Prisoner (coolly)—I have got no great fear of death. You are liable to die in five minutes, and so is every one in this court house. The only question is whether you are ready to die.

Mr. Porter—But you thought God needed your assistance in order to kill President Garfield?

The Prisoner (indignantly)—I decline to discuss that matter with you any further.

Mr. Porter—Did you say in your letter to the White House people: "I presume the President was a Christian and he will be happier in paradise than here?"

The Prisoner—I did, and I am sure the President is a great deal happier at this very moment than any man on earth.

Mr. Porter—You have no doubt that when you killed him he went direct to paradise?

The Prisoner—I believed him to be a good Christian man.

Mr. Porter (solemnly)—And you believe that the Supreme Being, who holds the gates of life and death, wanted to send him to paradise for breaking the unity of the Republican party and for ingratitude to General Grant and Senator Conkling?

The Prisoner—His Christianity had nothing to do with his political character. His political record was very poor, but his Christian character was good, because he was a good man, so far as I know, although they did tell some very hard stories about him in connection with the Credit Mobilier and such things.

A number of similar questions were put, eliciting nothing further than that Guiteau considered that the Deity had

inspired him to remove Garfield and that the Chicago Convention was in a certain sense inspired. The court then adjourned until to-morrow.

Judge Porter resumed the cross-examination of Guiteau at quarter past one o'clock, and began with the question, "Did you mean to support Mr. Blaine for the next Presidency?"

Guiteau answered—"I never gave the matter much attention."

Witness had some such idea that he would assist Blaine if he got the Paris Consulship, but as he (Blaine) had been twice slaughtered by the Convention for his railroad record, did not think he would ever be nominated. Witness felt a deep interest in Garfield at the time of his election. "You tickle me and I will tickle you, is the theory and practice of politics."

Witness wanted it understood that his feelings were entirely different previous to the 30th of May from what they were at the time when he resolved to remove the President.

"I don't want you," said Guiteau, "to twist my letters written before the 30th of May to work against me, and you can't do it, either."

Judge Porter, without noticing the evident irritation of Guiteau's manner, continued his questions, when the witness, with a sneer, exclaimed: "Oh, you need not look so fierce at me, you can't scare me. Just make your statements in a slow, genial way, and we will get along better."

Witness frequently refused to answer questions, and angrily retorted that he would not have his letters twisted against him. Without bringing his cross-examination to a close, the Court adjourned.

On Friday, the 20th day of December, the court room

again was densely packed with ladies and gentlemen, among whom were many prominent persons.

Guiteau was more excitable than on the previous day, and announced that he would not go over any questions that he had already answered. There was then an interchange of words between the prisoner and Judge Porter, the latter assuring Guiteau that he fully appreciated his intelligence. The audience laughed repeatedly at the droll features of the scene and the sharp words between the counsel and prisoner, the latter again mocking in tone the former's words. Guiteau objected to a repetition of previous subjects in the cross-examination, but in this he was not sustained by the Court. After a short interval, during which Mr. Corkhill and Judge Porter consulted about a package of letters, one of the number was given to Guiteau for identification. Guiteau, after insisting upon doing so, was allowed to read two letters. In one, written years ago, he said that he was about to establish a theocratic paper for the glory of Jesus Christ. There being some question about the identity of the last letter, which covered a dozen foolscap pages, Guiteau examined it and exclaimed, "It has no beginning," and, after a pause, "apparently no end." This provoked very general laughter, and Guiteau himself smiled with satisfaction at the effect of his sally. After other comments on the document Guiteau was allowed to read it. After reading a page or two he declared that it looked like his writing, and was full of the doctrines of theocracy and inspiration. Judge Porter's habitual utterance, "Yes," was hardly said to himself when Guiteau, with a fierce expression, repeated in drawling accents, "Y-a-a-s." Guiteau did not conceal his delight when Judge Porter read what he had written in proposing to establish a daily religious

paper. "Go on, Judge; that sounds like me," remarked Guiteau as one sentence was read.

He was next given a copy of the Oneida Community book, entitled "The Berean," by John H. Noyes. Judge Porter held "The Berean" in his left and Guiteau's book, "Truth," in his right hand. His object was to compare these works and prove that Guiteau's inspiration was gained from the work of Noyes. Guiteau opposed Judge Porter's method of comparison. He said the only way to compare the two books would be to publish their entire contents in opposite columns. The proceedings at this stage were anything but in the usual course of cross-examination. Instead there was an irregular disputation between Judge Porter and the prisoner. When Judge Porter began to read from these works to criticize the style of "Truth" Guiteau said, "I want you to read honestly, for I am afraid of you." Judge Porter smiled at this and asked Mr. Corkhill to read the printed copy of the prospectus which the prisoner had issued for his theocratic paper. Mr. Scoville took the copy and Guiteau asked Mr. Scoville, "Are you looking over the manuscript? I don't like to trust these men." Although Mr. Scoville asked that he be allowed to read the manuscript, as he was better acquainted with the prisoner's chirography, Mr. Corkhill did not consent. Guiteau paid undivided attention to the reading, now and then explaining portions in reference to salvation and sinners, and praising what he termed "a sensible idea." Guiteau then devoted himself to a newspaper until his attention was called to another one-idea letter, which he identified.

"Imagine yourselves in hell, ladies and gentlemen, and you will know what I endured while in that Community," he said.

A fourth letter to a Mr. Burt was next read and identified by Guiteau. In this letter he seeks to prove that he was sent to the Community by God. As he had been forbidden to interrupt the reading Guiteau paid but little attention to the letters. On the contrary, he devoted his attention to a newspaper, putting on his glasses; but he had to exclaim: "That was so then, and it's so now," when Mr. Corkhill read a passage in which the writer says he would not exchange his place "for the wealth of Rothschild or the fame of a Napoleon."

After Mr. Corkhill had read the Hoboken letter Judge Porter began to question Guiteau concerning his project to establish a newspaper in New York. In a few minutes the audience was startled by Guiteau's declaration:

"Wait! I want to tell you some news. Mr. Blaine is morally responsible for Mr. Garfield's death."

It was not more than three minutes after this before the audience was convulsed with laughter by Guiteau's mocking reply, "Now I didn't," to Judge Porter's interrogation if he had intended to kill President Garfield before he discovered his intimacy with Blaine. "And that was for the vindication of General Grant and Senator Conkling?" asked Judge Porter when seeking to get at the purpose of the President's assassination. Guiteau, with slight hesitation, answered, "Yes."

At twelve o'clock Mr. Corkhill suggested the court take an hour's recess, as the prisoner might be tired. This was accordingly done, Guiteau saying, "Yes, Judge, I am quite tired with this kind of learning and nuisance.' When the court convened the room was densely packed, many of the spectators having to remain in their seats during the recess hour. The first general laughter was caused by Guiteau, who, being asked if he thought it too hot to pull the trigger when he saw Mr. Blaine and President Garfield together one sultry night, said, "Now, don't put on so much style about that trigger."

A significant fact in the examination of Guiteau was the prisoner's positive refusal to answer when ingeniously pressed by Judge Porter on the question of his inspiration and belief in predestination. So long as it was a direct interrogatory whether he believed that the killing of President Garfield was the act of the Deity, he answered glibly enough, as though he had rehearsed that point with himself; but he was evidently afraid to commit himself when the questions took a wider range in the same direction. It was Judge Porter's apparent purpose to show that Guiteau never conceived the idea of pleading divine inspiration until just before or just after the shooting; that he used it as a convenient excuse for his act, and with a full comprehension of the consequences of that act. Guiteau apparently perceived that he was on dangerous ground. "I decline to answer," he repeatedly said, as Judge Porter put his questions in various forms. At another point he gave additional ground for the conviction that he is throughout appealing to the jury, and therefore does not trust to the protecting care of the Deity. Judge Porter asked him why he objected to the name Julius. "I don't like it," he said, "no more than I do the name Sambo." He turned to the jury after a moment's pause and said, with quick emphasis: "I do not mean any disrespect to the colored people." It is noticed after his wildest outbursts he furtively glances about, as if to see the effect.

Judge Porter's manner was courtesy itself, and the prisoner's indecent tone in replying seemed to be with no other

purpose than to raise the laugh which is sure to follow. His enjoyment at the effect of these replies was perfectly evident. The various experts waiting to be called as witnesses watched him closely.

The following is a full report of the cross-examination to which Guiteau was subjected by Judge Porter, on the second day of December:

Q. Was it one of your purposes in killing the President to create a demand for your book? A: One of the objects was to preach the Gospel as set forth in my book.

Mr. Porter repeated the question, and was answered with a sullen, "I have answered it," from the prisoner. The question being repeated once more, the prisoner appealed to the Court as to whether he had not already answered.

The Court having held that the question must be answered more specifically, the prisoner replied in the affirmative.

- Q. You regard your book as the Gospel? A. As an important explanation of the Bible; I claim that it is a collateral Gospel; I undertake to say that the book is the Bible brought down to the present day; in so far as there is any truth in any book it comes from the Deity, and I claim that it contains important truth.
 - Q. Have you read a good deal about Napoleon. A. No.
- Q. When you wrote "The President's nomination was an act of God; his election was an act of God; his removal was an act of God," did you have Napoleon's bulletins in your mind? A. (apparently gratified) That is the way I express myself—sharp, pointed, sententious; if you want to see a specimen of that kind of style, look through my book.

Mr. Porter-I think you have remarkable power of

brain, and whatever your brother-in-law may think, I appreciate your ability.

The prisoner (highly pleased)—I thank you, Judge, for your good opinion.

Mr. Porter (significantly)--I think that is the opinion of every juror.

The prisoner (excitedly)—I take my chance before this Court and the jury on the fact that the Deity inspired the act. I am not a fool, and the Deity never employed a fool to do his work. He put it into my brain and heart and left me to work it out in my own way.

- Q. And you did? A. Under the sanction of the Deity.
- Q. He did not give you an after sanction? A. The pressure on me commenced about six weeks before the actual shooting; I was the predestined man from the foundation of the world to do this act, and I had to do it.
- Q. You believe in the doctrine of predestination? A. Most decidedly; I claim that I am a man of destiny; you spoke of Napoleon, he thought he was a man of destiny, though he had different work from me; I am a man of destiny as much as the Saviour or Paul or Martin Luther, or any of those religious men.
- Q. And your destiny was to kill Garfield? A. It was my destiny to obey the divine will, and let Him take care of it; I put up my life, and I have not been hung or shot yet.
- Q. And you did not expect to be? A. I had no expectation except to do the divine will and let Him take care of me; I am satisfied with the Deity's conduct of this case up to the present moment.
- Q. When were you first inspired? A. I decline to discuss the matter with you any further; I have gone over the

whole ground several times before, and the papers are full of it this morning; if you want any more ideas on that subject I refer you to the papers; I will not be annoyed in this way any more; the Court and jury and the country understand it; now, if you have got anything new I will entertain you, otherwise not.

- Q. Was it the same sort of inspiration that caused you to join the Oneida Community which inspired you to kill Garfield? A. It was from the same Deity.
- Q. And communicated in the same way? A. (with excitement) My inspiration always comes upon me as the result of pressure; I do not believe in Spiritualism or anything of that kind; I have communication with the Deity as the result of pressure; sometimes pressure comes upon my brain, my spirit and my heart; that is the way I got into the Oneida Community.
- Q. Did the Deity inspire you to leave there? A. I decline to answer; I have gone over that several times; I refer you to the newspapers.
- Q. But the jury is not permitted to read the papers. A. They have heard my statement on that point several times, and that ought to satisfy any gentleman.
- Q. Then the Deity inspired you to leave the Oneida Community and to establish a theocratic paper that turned out to be a failure? A. I did not actually start the paper, although I consulted about it; I do not consider that the time had come to establish that kind of paper.

Mr. Porter went on to cross-examine the prisoner, with the object of showing that the pretended inspiration in regard to a theocratic daily, to the book called "Truth," to the lecture on the second coming of Christ, etc., were merely borrowed from the ideas of Noyes, and that portions of the book and lecture were plagiarisms from the book called "The Berean." In connection with the prisoner's leaving the Oneida Community, Mr. Porter put in evidence a letter written by the prisoner in April, 1865, in which he says that he is leaving in obedience to an irresistible conviction that if he did not do it woe would be upon him; that he must obey the will of Go'l; that God and his conscience were driving him to the battle, and that he dared not draw back. A package of manuscript tied together was shown to the prisoner and admitted to be his writing, although he said it appeared to be mutilated, having neither head nor tail.

The District Attorney then proceeded to read the document from a printed slip, and the prisoner cautioned Mr. Scoville to follow the reading with the original, because he was "afraid to trust those men." The document was then read. It is a paper written by Guiteau to the Oncida Community at the time of his leaving it, and is principally devoted to advocating his theory of establishing a great theoratic paper. The substance of it has already been published. The prisoner listened attentively to the reading, interrupting now and then to make some explanation.

"That's a very strong idea," he commented when the idea of establishing a number of theocratic papers was mentioned. "The idea was to make the world an entire community. It was a grand conception, but not at all feasible the way this world is run. There are too many bad people in this world."

A note was also read which had been written to the Community by Guiteau and in which he confessed his love for and subordination to Mr. Noyes, and withdrew all charges previously made against him. The prisoner's comment on this was in a conversational tone.

"You want," he said, "to imagine yourselves in hell, ladies and gentlemen, and you will get some idea of my feeling in the Oneida Community."

A letter addressed by Guiteau to a member of the Community was also introduced in evidence. In this he says:

—"When in the world I had a programme of my own, but God smashed that and hurled me into the Community."

He also refers to himself as a creature of predestination, but states that, having God's work to do, he would not abandon it for the wealth of the Rothschilds or the fame of Napoleon. "That is so now," murmured the prisoner."

The letter written by Guiteau asking to be received back into the Community was next read. He states that he gave up his project of establishing a theocratic paper because he was not up to the "tricks of the newspaper trade," and further, that the project was a "devilish delusion."

The Prisoner—It was no devilish delusion; it was an inspired idea, but not feasible.

The cross-examination was then resumed.

Q. Do you not think that you ever had a devilish delusion? A. No, sir; I do not have devilish delusions; Noyes believed in devilish delusions; the devil and the Almighty are fighting it out according to him; I believe in a personal devil; there is an article in my little book about it; it is good reading, Judge.

Mr. Porter—I have read it with a good deal of pleasure.

The Prisoner—There are good ideas in it. It has not been published yet, Judge.

Q. Do you believe the devil tempts men? A. Most decidedly; he tempts them to do evil, and that is the reason, when pressed to do a thing, I first question whether it is the devil or the Deity.

Q. And that was so when the question came up about killing the President? A. For two or three weeks I entertained the proposition, praying the Deity not to let me make any mistake; and the confirmation of the fact came to me in the fact that the newspapers were denouncing Garfield and I saw the necessity of his removal for the good of the American people; if the political situation had not existed, then I should have said that it was the inspiration of the devil; but the political situation required the removal of the President for the good of the American people, and that is the way I knew it was the Deity and not the devil.

Q. And it was in view of the political situation that you made up your mind to murder—

The Prisoner (interrupting excitedly)—Don't use that word "murder;" you are entirely too free with the word.

Mr. Porter-Are you not on trial for murder?

The Prisoner—So it is said; can't you use the proper word, "removed?"

Mr. Porter—I can use the word "remove," but it is as repulsive to me as "murder" is to you.

The Prisoner (insultingly)—I presume you have a big fee for this, Judge. You are working on conditions I see.

Mr. Porter—You are a practical man in your notions of law.

The Prisoner—I decline to answer. Go back to theology.

Q. (Suddenly)—What is your theory of your defence? A. I stated it very frequently; if you have not the comprehension to see it by this time, I will not attempt to enlighten you.

Q. Your defence is that you are legally insane and not

in fact insane, is it? A. The defence is that it is the Deity's act and not mine.

- Q. Are you insane at all? A. A good many people think I am badly insane; the Oneida people thought so, my father thought so, and my relatives thought so and still think so.
- Q. You told the jury you were not insane? A. I am not an expert; let the experts and the jury decide whether I am insane.
- Q. Did you expect at the time you shot the President to be tried for it? A. I had no expectation about it; my only thought was to execute the Divine will and let Him take care of me; I would not have been deterred from the act if I had known I should be shot in five minutes; I decline to discuss the subject any further with you; if you want any light read the newspapers; I am unwilling to have the time of the honorable Court and jury and country absorbed any more than necessary.

The prisoner was then inquired of as to the night he followed Mr. Garfield to Mr. Blaine's house, but declined to answer any more questions on that point without positive directions from the Court.

The Court (to the prisoner)—You ought to answer. Your refusal to answer will operate against you.

The Prisoner—I have stated the matter repeatedly, and will state it again if necessary. (To Mr. Porter)—Ask your question again.

Q. Did you lurk in an alley that night while the President was at Mr. Blaine's house? A. I saw General Garfield one evening come out of the White House about seven o'clock; I was in the park opposite the White House; he passed along the end of the park, crossed down the street,

passed Wormley's Hotel and went to Mr. Blaine's house; I was several yards behind him.

- Q. Walking after him? A. I walked along on the opposite side of the street.
 - Q. Was the pistol loaded? A. It was loaded.
- Q. Did you intend to kill him? A. I intended to remove him.
 - Q. That night? A. No, sir.
- Q. Why did you follow him if you did not intend to remove him? A. I walked down that way as I had a perfect right to do.
- Q. Then it was merely in the assertion of your right as a free citizen that you walked dogging the President? A. Possibly.
- Q. Did you take out your pistol? A. Yes; I took it out.
- Q. Did you point it at him? A. (Imitating Mr. Porter's tones, and grinning maliciously.) No, sir, I did not point it at him.
- Q. When he came out of Mr. Blaine's house was he alone? A. Mr. Blaine was with him. I am glad you have given me a chance of telling about it. (To Mr. Porter, who was about putting another question.) Now wait a moment: General Garfield and Mr. Blaine came out, arm in arm, and passed down on the opposite side of the street; it was about seven o'clock on the evening of the 1st of July.
- Q. Did you hear them talk? A. Now wait a moment; I want to tell you some news; they were in a most delightful and cosey fellowship; just as hilarious as two young school girls; they had their heads together this way (making a motion); Blaine was striking the air like this (initating), and Garfield was listening very attentively; their

fellowship was perfectly delightful (with a horrible facial expression and a wolf-like exhibition of teeth): It proved what the stalwart and liberal papers were saying—to wit, that Garfield had sold himself, soul and body, to Blaine, and that Blaine was using Garfield to destroy the stalwart element of the nation; that was the first occult (hesitating and correcting himself) eye evidence that I had of their exceeding intimacy, and it confirmed what I had been reading for weeks in the newspapers.

Q. Then you did not believe until that night in July that there was any such public necessity for the removal of the President? A. I did believe it all along; this was a positive eye confirmation of what the newspapers were saying—to wit, that Garfield was entirely under Blaine's control; Blaine is a bold, wicked, vindictive man, and I tell him so to his face; I say, furthermore, that Mr. Blaine is morally responsible for Mr. Garfield's death; if it had not been for Blaine's influence over Garfield, Garfield would have been alive to-day; he would not have disrupted the Republican party and imperilled the Republic; there would have been no necessity for his removal, and hence there would have been no necessity for the inspiration of his removal; but enough of that.

Q. Had you ever before tried to kill Mr. Garfield?
A. (Again imitating Mr. Porter's tones and snarling at him)
—No, I had never before tried to kill Mr. Garfield.

Mr. Porter then led the prisoner through all the circumstances of his going to the church which Mr. Garfield attended, seeing him in his pew, afterward examining the pew through the window from the outside and thinking whether that would not be a good place to remove him. On being further pressed as to the inspiration he refused in an angry

tone to discuss the subject any further. He did not think it necessary to irritate the public and to irritate the Court and jury with any more of such talk.

Here the District Attorney interposed with the suggestion that as the prisoner was tired the Court should now take a recess, which was accordingly done.

After the recess Mr. Porter questioned the prisoner as to his visit to the jail made prior to the day of the shooting. The prisoner stated that that visit had been made after the inspiration had first seized him, and that its purpose was to see where he would go under human law. The examination was then addressed to the occurrences of the night before the shooting, when the prisoner followed the President and Mr. Blaine. The prisoner stated that he had not shot that night because it was hot and sultry.

Q. And you were afraid you would make Mr. Blaine sweat? A. No, sir.

Q. Did you think it would make you hotter to pull that trigger? inquired Mr. Porter, raising his arm and making a motion as if shooting with a pistol.

The Prisoner (contemptuously)—Oh, don't put on so much style with the trigger.

Q. Did you think so? A. (imitating)—No, sir, I did not think so; it was extremely hot, and I did not feel like it at that particular time.

Q. You felt like it when you did shoot? A. Under extraordinary resolution and pressure I did it; I had to do it.

Q. There was a remonstrance against the murder in you all the time? A. No, sir; I never had a conception of it as a murder; I have no idea of it as a murder. (Impatiently)—You have gone over this two or three times.

- Q. You never had a remonstrance after the 1st of June; A. Never.
- Q. In your own conscience? A. In my own conscience? it was simply a question of opportunity.
- Q. Did the Deity tell you that? A. The Deity told me to remove him whenever an opportunity occurred.
 - Q. That was his language? A. In substance it was.

Mr. Porter having again questioned the prisoner as to his pistol practice prior to the shooting, the latter turned to the Court and said:—"If your Honor please, I want to know if it is necessary for Judge Porter to go through this business again. I do not see the pertinence of this kind of talk and I ask the protection of the Court; if you have any new question, I am willing to solve it; I object to going over this ground again; if you have any new ideas you want to show and elucidate I will assist you."

Mr. Porter then called the prisoner's attention to the fact that he had made arrangements to go to the jail, and inquired why he had done so.

The prisoner replied that he was afraid of being mobbed before he could explain his views to the people. They would say that he was a disappointed office-seeker, and would hang him up. That was the only possible motive they could concoct for the act.

Mr. Porter then put some questions as to the occurrence of the 18th of June, when the prisoner refrained from shooting the President on account of Mrs. Garfield's presence, and finally asked, If Mrs. Garfield had been with the President on the 2d of July, would you have shot him? A. No, I should not have shot him in her presence. I did not know what the effect might be on her.

Q. Then it depended entirely on your will? A. It depended on whether I had a suitable opportunity.

Mr. Porter inquired why he would not have shot in Mrs. Garfield's presence.

The Prisoner—If your head is so thick that you can't get the idea in I won't try to pound it in: don't ask your questions in a mean, sickly sort of way.

Mr. Porter pressed his question, whereapon the prisoner quietly took up a paper, and adjusting his eyeglasses, began to read, paving no attention whatever to the counsel.

Mr. Porter-What are you reading?

The Prisoner (without raising his eyes)—I am glancing over the New York Herald.

Mr. Porter—Don't you think that the time of the Court and jury is of some value?

The Prisoner—Not in the way you are interrogating the matter. It has been discussed and repeated over and over again. And the prisoner settled himself back in his chair to read.

Mr. Scoville—It does seem to me that Judge Porter is going over the same ground, not once or twice or three times, but as many as four times. I had not intended to say one word even if this examination had lasted a week, but he seems to be only irritating the witness for nothing. I think the criticism that the witness makes is just—that this identical ground has been gone over two or three times.

Mr. Porter—Will Mr. Scoville be kind enough to refer to the minutes in which I asked the witness of what occurred on the 18th of June?

Mr. Scoville—I am entirely sure the counsel went over the ground.

Mr. Porter—I would like to hear what he said on the subject.

The Prisoner—You must be a very stupid man; the papers are full of it; the papers are full of my answers.

Mr. Porter—What were your answers?

The Prisoner—I decline to answer.

Mr. Porter—I suppose you have no objection to answering what you did on the day that you killed him?

The prisoner then gave an account of his actions on the morning of July 2. He had slept the previous night at the Riggs House, had risen early and sat in Lafayette Park some time before breakfast. After breakfast he went to his room and put his revolver in his pocket. A little before nine o'clock he went to the depot, had his boots blacked.

Mr. Porter—Did you want to be in full dress when you killed him?

The Prisoner (drawling)—No, I didn't want to be in full dress. I don't want to be interrupted.

Q. And I don't want to be interrupted. A. Then keep quiet.

The prisoner then proceeded with his story. Blaine and the President drove up in a single horse carriage, and not in the White House carriage, which showed how much the President was under Blaine's influence; Blaine was blowing and blowing, and the President was listening; they were on the most intimate relations; Blaine got out of one side of the carriage and Garfield out of the other; they walked into the depot and passed within a few feet of the prisoner, who drew his weapon and fired twice and hit him once.

- Q. You shot him in the back? A. I did not fire at any particular place.
- Q. Did you not fire for the hollow of his back? A. My intention was to shoot him in the back.
- Q. Did you think that if he got two balls in his back it would remove him? A. I thought so.

Q. And you intended to put them there? A. I did.

Q. (In a solemn manner) And from that hour to this you have never felt regret or remorse? A. I regret giving pain or trouble to any one, but I have no doubt as to the necessity of the act or the divinity of the act.

Q. You have never hinted at any remorse? A. My mind is a perfect blank on that subject.

Q. Do you feel any more remorse about rendering his wife a widow and her children fatherless, than about breaking the leg of that puppy dog? A. I have no conception of it as murder or killing.

Q. And you feel no remorse? A. (In a low and almost inaudible tone) Of course I feel remorse so far as my personal feelings are concerned; I feel remorse as much as any man and regret the necessity of the act, but (raising his voice)——

Mr. Porter—The cross-examination is closed.

But, continued the prisoner excitedly, my duty to the Lord and the American people overcame my personal feelings. If the Lord had not inspired that act it would not have been done.

Mr. Scoville then proceeded with the redirect examination of the prisoner as follows:--

Q. Is your feeling at present, or has it been at any time since the 2d of July last, any different from what it was at the time of the shooting in that respect? A. No difference whatever; I have been just as clear as to the divinity of the act and as to the necessity for it for the good of the American people since the 1st of June as a man can be on anything.

Q. Did you have before the shooting any feeling such as we would call a human or humane feeling on account of

the suffering which might be produced by your act? A. From the middle of May to about the 1st of June, all my natural feelings were against the act; that was the period when my natural feelings were excited, but since that time I have not had the slightest doubt as to the necessity for the act and the divinity of it, not the slightest doubt that the whole thing was inspired by the Deity and that he would take care of it.

Q. Did the matter present itself to your mind in the ordinary view of humanity as to whether it would cause personal suffering or not? A. No, I never had any conception of it in that way at all; my mind was a perfect blank on it.

Q. Do you recollect the interviews which I had with you in the jail two days after the shooting? A. Yes; Colonel Corkhill and his stenographer, Mr. Baily, were present, and I want to say here what I have not said before—I told Mr. Scoville and Colonel Corkhill that I did not think the President would recover, because the Lord did not wish him to recover.

Mr. Scoville asked some questions in explanation of his letters to the Oneida Community, and in reference to his proposed purchase of the Chicago *Inter-Ocean*.

In reply to questions of Mr. Davidge, the prisoner stated that his scheme in regard to the Chicago Inter-Ocean had since been carried out by others, and that it was now a prosperous newspaper; the idea of a theocratic paper had not been carried out; after first leaving the Oneida Community, he had gone to their New York agency in August, 1865, and had remained there till November, 1865, when he went back to the parent institution and remained till November, 1866; he had then a final settlement with the Community.

This closed the examination of the prisoner, who was then conducted (looking completely worn out) from the witness-stand to his regular seat beside his counsel.

Mr. Scoville then called to the witness-stand Dr. Alexander McNeil, of Columbus, Ohio, who testified to seeing the prisoner there some three or four years ago; the prisoner was then engaged in the laudable enterprise of attempting to lecture on theology, and to sell an inspired volume of his own authorship, and which he said was one of the finest literary productions that ever emanated from an inspired—("I am sorry to contradict you," interposed the prisoner, "but I never said so.")

The witness had several conversations with him, and was under the impression—which he expressed to his friends at the time—that the prisoner was a lunatic.

Mr. Davidge—Had you any occasion to examine him in relation to responsibility for crime?

The Witness-I had not.

Mr. Scoville called Emory A. Storrs, Charles B. Farwell and other witnesses, but as none of them responded, the court at half-past two adjourned.

The New York Herald thus comments on the cross-examination of Guiteau:

"The cross-examination of Guiteau, which was concluded vesterday, constituted, with his direct examination, a remarkable chapter of this most remarkable trial. Whether sane or insane, Guiteau has proved an extraordinary witness. He has discussed questions of politics, ethics, law, heology and business with a mental vigor, clearness and readiness that would be considered exceptional in a person of unquestioned sanity and ability. His mind shows no igns of being warped, except with conceit, on any subject,

366

unless it be that of inspiration; and even here he has shown a ready aptitude to use his reasoning powers to his own advantage. He was quick to see the effect of any question put by Judge Porter on his inspiration theory, and when the question admitted of an answer favorable to the theory, he was not slow in giving it; but when he was driven to the wall by the merciless logic of the cross-examiner, he found it convenient to decline to 'discuss the details of the matter.' The defence on which the assassin relies so confidently for his acquittal was further materially weakened by the cross-examination showing that divine inspiration had become a rather commonplace affair with him. He was inspired to enter the Oneida Community, and inspired to leave it to start a theocratic paper; inspired to deliver lectures which nobody cared to hear; inspired to plagiarize his much vaunted 'Truth' from 'The Berean' of the detested Noves, and inspired to do various other everyday things. What the experts may think of Guiteau's mental condition after watching him through the ordeal of his examination and cross-examination will soon be known. But the general impression of the lay public doubtless is that his appearance on the witness-stand has tended to demonstrate his sanity and responsibility, instead of his insanity and irresponsibility."

CHAPTER IX.

Emory Storrs, of Chicago, and David Davis, President of the United States Senate, on the Witness-stand.—Dr. Kiernan, of Chicago, Declares Guiteau a Fit Subject for an Asylum.—Congressman Farwell believed Guiteau Insane when he asked for a Large Loan of Money, but he knew Right from Wrong.—Extracts from Guiteau's Book "Truth."

IT seemed as if the rigid cross-examination by Judge Porter had exhausted the physical as well as the mental faculties of the assassin. During the first hour of the proceedings of Saturday, the 3d day of December, he sat inattentive and quiet, as if he felt that by his impudence, his malice, and his violence he had injured his case. It is impossible to describe his wrath when Judge Porter proved beyond doubt that he himself did not believe his plea of inspiration. He changed his exultant tone under Porter's skilful cross-questioning; instead of giving confident answers he became angry and at last he refused to answer. Finally Judge Porter succeeded in making him admit that he had felt remorse for his act and then let him go. With a helpless look Guiteau stared at his counsel, then tried in vain an explanation and finally left the witness-stand a depressed man. This apparently had heavily weighed on his mind, and when he on Saturday entered the court room his eyes were fixed on the floor and he did not raise them for a long while after he had taken his seat alongside of his counsel.

As soon as the court was opened Mr. Scoville called Colonel J. O. P. Burnside, disbursing officer of the Post-Office Department. He testified that he had lived at Freeport, knew the prisoner's family and that the prisoner's mother was an invalid.

Charles C. Allen, of Missouri, testified that he lived in Freeport in '39 and '40 and knew the Guiteau family. Mrs. Guiteau was in feeble health, and before the birth of the prisoner was for some time confined to her bed.

Emory A. Storrs, of Chicago, was the next witness. knew Guiteau in Chicago as a young lawyer. He saw Guiteau perhaps a dozen times at the National Republican committee rooms during the late Presidential canvass. Prisoner came up to him gleefully and patting him on the shoulder said: "You are on the right track." Witness never saw Guiteau doing anything at the committee rooms other than reading the papers; he seemed to have no especial employment. Mr. Storrs continued: I saw him in April, 1881, in the Riggs House; I observed nothing peculiar in his dress; his manner might be called one of exultation; my recollection is that he told me he was going to have the Austrian Mission, though it might have been the Paris Consulship. I suggested that the position was a very important one. He then referred to his speech as being an important factor in the campaign. I said that this was in Blaine's department, and that he was a politician and an able one. I think his language in reply was that he was "solid with Blaine," I don't think he asked me to see Mr. Blaine, but seeing that the conversation was tending to that point, and as I did not wish to see Mr.

Blaine on that business or any other relative to appointment to office, I rather forestalled what he had on his mind by saying that my hostility to Mr. Blaine was so active politically that I thought that any advocacy of mine would be a serious damage to Guiteau; that I apprehended that if Mr. Blaine knew of my promoting his claims it would be a sure way of defeating him, and that, on the whole, I thought Blaine had better not know that I had any views in his favor. All that I know about it is that from that time he never spoke to me. He seemed to be rather discouraged.

Q. You spoke of a state of exultation. Explain more fully what you mean? A. I can hardly do so. He seemed to be very confident; he acted about as you or I would act if sure of getting something we very much desired to have. Happier perhaps than you or I would have been.

Q. Did you form any opinion as to his mental condition? A. There was nothing in his conversation about the head-quarters in New York that would lead me to form an opinion. Altogether I had formed an opinion about as to mental size.

Q. You can state what your conclusion was. A. I am not an expert on the subject of insanity or any other medical topic. I have stated about all I have seen. I cannot express an opinion as to his sanity or insanity. I shall express no opinion whatever as to his sanity or insanity or as to the degree of any mental difficulty under which he may have been laboring. My impression was that he had an illy-balanced judgment and an illy-balanced mind, and didn't have what the average man would call good common sense.

Witness was asked in relation to the political status just prior to the shooting of President Garfield, and was asked if there were not elements of discord in the Republican party which threatened to disrupt it? The reply was: "I think the Republican party a pretty difficult one to disrupt, and while there were elements of discord my belief in the good sense of the rank and file is such that I think it would have held together." The cross-examination then began, as follows:

Mr. Davidge—Did you see anything in his conduct to indicate any want of capacity to determine between right and wrong? A. No, sir. I have never seen anything in Guiteau which led me to believe that he could not distinguish between right and wrong.

Q. Have you seen anything to indicate irresponsibility for crime?

Mr. Scoville—That I object to.

Q. If you had missed your watch, and had reason to believe he took it, would you have had him arrested?

Mr. Scoville objected. The objection overruled and exception taken.

A. I should have had him arrested. I could not have got it any other way; perhaps not then.

Mr. Scoville objected to the admission of the answer, and the answer overruled and exception taken.

Q. Nothing that came under your observation made you doubt the knowledge and appreciation of the prisoner for what is called crime?

Mr. Scoville again objected, and again the objection overruled and an exception taken.

A. I never saw anything in the conduct of the prisoner that led me to believe that he could not distinguish and

did not know the difference between guilt and innocence, and did not know what crime was.

Mr. Scoville again took the witness and asked him: Do you recollect a conversation with me in your office in Chicago? A. Yes.

- Q. Do you remember telling me that you considered him "off his base?" A. "Off his nut."
- Q. What did you mean? A. That he had an exceedingly illy-arranged and illy-balanced mind, and lacked good common-sense.
- Q. Did you have any conversation with him after April, 1881? A. No, sir.

The witness then left the stand, and Mrs. Scoville and J. Wilson Guiteau entered into an excited colloquy, in which the former, in an audible tone, declared that the witness had perjured himself.

Edward Daniels, of Virginia, the next witness, had met Guiteau at the Young Men's Christian Association rooms in this city. He thought the prisoner's movements and conversation somewhat peculiar.

Senator David Davis was then called, but did not respond. A court official announced: "Mr. Bayard is not in the city, and we are hunting for Mr. Randall." Pending the arrival of witnesses, Mr. Scoville proceeded to read the newspaper slips taken from Guiteau at the time of his arrest. During the reading Guiteau leaned back in his chair and apparently paid the strictest attention. Occasionally he made some explanation, but quietly and without causing any interruption. The articles consisted largely of editorial articles on the subject of the Albany Senatorial election.

The following are some extracts: "The President has

been making such use of his official powers as would justify his removal in disgrace from his office."

"The President's patronage has been converted into an instrument of political debauchery."

"Calamity is in store for the unhappy Republicans."

Then there were comments upon the coldness of the interview between President Garfield and General Grant at Elberon.

Accounts of the reported bargaining of John Davenport in relation to the office of United States Marshal at New York, were produced.

The prisoner, when the article on this latter subject was read, said: "That shows how weak Garfield was, and how determined he was to crush the stalwarts."

Senator Davis having arrived, the reading was suspended, and Mr. Davis took the stand. Witness was asked if he had devoted his attention to politics and was conversant with the political moves and the public feeling about the time of the shooting of President Garfield. He replied that in common with ordinary people he had paid some attention to politics, but was not a member of either political party, and took no part in the last campaign. Witness was asked if he was aware of the state of feeling in the Republican party and between the two factions last spring, and said in reply he had no personal knowledge, as he did not go into their caucuses.

Q. Was there not such a breach in the party that it bid fair to destroy it? A. The Republican party has not been destroyed, and it has had a good many breaches in it. The Republican party is an extraordinary organization. I don't believe it will die until the Democratic party does.

Mr. Scoville-From your knowledge of the parties, do

you not think the success of the Democratic party would endanger the Republic?

Mr. Davis—I don't think the success of any political party would endanger the Republic.

The prosecution had no questions to ask, and Senator Davis, with an air of blank wonderment, said: "Can I be excused? I told the officer who came for me that I never saw the prisoner and knew nothing about him, except what I had read. I couldn't, for the life of me, see why I had been summoned."

Mr. Scoville—You will learn the reason, Senator, from the arguments.

Edmund A. Bailey, stenographer, was called, and was closely questioned in regard to the short-hand notes he had taken of Guiteau's conversations in the jail and his disposition of them. Guiteau made quite a noisy demonstration, and accused the witness of deceiving him by pretending to be a Herald representative. Witness pronounced Guiteau's statement in the matter absolutely false. "You sold it afterwards to the Herald," he said, "and I suppose you got \$500 for it." Witness explained his connection with the matter and stated that the Herald had paid him \$500 for the report.

Guiteau (excitedly)—I told you so. I am always right, though I was only guessing then.

Guiteau availed himself of a pause to announce that he desired to have subpænas issued for President Arthur, General Grant, Governor Jewell, Ex-Senators Conkling and Platt, Collector Robertson, Secretary Blaine, Ex-Senator Dorsey, James Gordon Bennett, Whitelaw Reid, George Jones, Charles A. Dana, William Henry Hurlburt, George C. Gorham and Stillson Hutchins, as the gravamen

of his offence depended upon showing the state of political feeling in the country in April, May and June. No attention was paid to his request. Mr. Scoville announced that he had subpœnaed President Arthur because he desired to bring out some facts that he could reach in no other way. He did not desire to summon him, however, until he had first seen him. No other witness being present, the court adjourned till Monday.

When Guiteau entered the court-room on Monday, the 5th day of December, he had in his hands a bundle of newspapers, which he commenced to inspect as soon as the handcuffs were removed. He paid especial attention to the testimony of the medical experts, occasionally adjusting his eye-glasses and glancing over a newspaper. During the entire examination he appeared very much interested in what was said, and, doubtless, weighed in his own mind every word uttered, whether by counsel, witness or judge.

Immediately after the opening of the court, Mr. Scoville called to the stand Dr. James G. Kiernan, of Chicago. Before any questions could be asked, the witness Guiteau desired to address the Court, and without waiting for assent or dissent on the part of the Court, said in quiet, nervous tones: "I want these expert witnesses to pass upon this point: When a man is impelled to do an unlawful act by a power which he cannot possibly control or overrule, and by which his moral agency is dominated, is he to be considered sane or insane?"

"They will be heard on that subject," said Judge Cox, and then Dr. Kiernan was questioned. He is now managing editor of the Chicago Medical Review, and lectures on mental diseases before the Chicago Medical Society. He has made a study of mental diseases since 1874.

Q. Assuming it to be a fact that there was a strong hereditary taint of insanity in the blood of the prisoner at the bar; also, that at about the age of thirty-five years his own mind was so much deranged that he was a fit subject to be sent to an insane asylum; also, that at different times after that date during the next succeeding five years he manifested such decided symptoms of insanity without simulation, that many different persons conversing with him and observing his conduct believed him insane; also, that in or about the month of June, 1881, at or about the expiration of said term of five years, he became dominated by the idea that he was inspired of God to remove by death the President of the United States; also, that he acted on what he believed to be such inspiration and on what he believed to be in accordance with the Divine will in the preparation for and in the accomplishment of such a purpose; also, that he committed the act of shooting the President under what he believed to be a Divine command, which he was not at liberty to disobey, and which belief made out a conviction which controlled his conscience and overpowered his will as to that act, so that he could not resist the mental pressure upon him; also, that immediately after the shooting he appeared calm and as if relieved by the performance of a great duty; also that there was no other adequate motive for the act than the conviction that he was executing the Divine will for the good of his country. Assuming all these propositions to be true, state whether in your opinion the prisoner was sane or insane at the time of his shooting President Garfield?

A. Assuming these propositions to be true, I should say that the prisoner was insane.

Q. Have you any doubt about it? A. No, sir.

No sooner had Dr. Kiernan uttered the word "No," meaning thereby that if the allegations of circumstances as presented were true, Guiteau was not sane, than Mr. Scoville said to the prosecuting attorney, "Take the witness, gentlemen." The cross-examination was conducted by Mr. Davidge, who elicited the fact that he does not believe in a state of future rewards and punishments, but is what is known as "an agnostic."

Q. Assuming the evidence submitted to the jury to be true, do you mean to state that evidence makes out a strong case of hereditary insanity?

Question objected to by Mr. Scoville. In the discussion of the question the testimony in regard to the sanity or insanity of the prisoner's father was alluded to. The prisoner took part in it by saying that it was the opinion of all the good citizens of Freeport that his father was badly cracked on religion. The witness stated that on the testimony of Thomas North he would regard Luther W. Guiteau as a person of rather dubious mental condition. He had not enough facts to form an exact opinion on. The testimony in reference to some of the prisoner's relatives having been summarized, the witness was asked whether, in his judgment, that evidence made out a strong hereditary taint of insanity in the blood of the prisoner. His answer was: "Taking all that into consideration, I should certainly write the case as one of hereditary insanity."

Witness admitted that when a man committed a crime while acting under the delusion of a Divine inspiration and then conducted himself precisely as a criminal would do it would be presumptive evidence against his insanity. Guiteau, who had been quietly but intently following the witness, here broke in rather excitedly, saying: "Nothing of that kind in this case, Judge."

Mr. Davidge-Well, we will see.

Guiteau (angrily)—You're going too fast in this matter. We want facts, not your judgment. The witness has stated one thing right. The Lord injects the inspiration and then lets a man use his own judgment to work it out. That's just my case. That's the way I get my inspiration. The Lord don't employ fools to do His work; He gets the best material.

Q. Suppose a man told you that he had a grand inspiration, say to slay a ruler, and suppose you watched his conduct and behavior and it turned out to be that of a vulgar criminal all the way through, what would you think of his statement that he had a Divine commission?

The Prisoner—There is no vulgar criminal in this case; please leave the "vulgar" out.

Mr. Scoville objected to the question because the witness' opinion of what was vulgar might differ from the counsel's.

The Prisoner—Nothing vulgar about this case; it is all high-toned.

In reply to further questions the witness said an insane man, in carrying out an inspiration, would act according to his peculiarities.

During a pause in the examination the prisoner broke out into a declaration that his attention had just been called to a very impudent discourse by his former wife. Her statement was full of lies. He repudiated her and knew nothing about her.

The Court reminded him that that matter was not now in question.

The Prisoner—I know that, but it is so aggravating a story that it riles me, and if she comes on the stand I will

make her smart. She must have fallen from grace very badly. Her statement is a lie from beginning to end. When we were together we lived well at first-class boarding houses.

The witness, in describing the border line between sanity and insanity, said that there is a large number of men, who, while not positively insane, are deficient in judgment and cannot be classed with properly well-balanced men.

Q. Do you mean that, as a general thing, men of that class become fit subjects for insane asylums? A. Not all of them, but many of them do; there are three times as many persons outside of asylums as there are inside who are proper subjects for insane asylums.

Richard J. Hinton, editor of the Washington Gazette, had seen the prisoner at the Republican headquarters in New York and formed the opinion that he was an exceedingly illy-balanced, cranky egotist. Witness was asked what he thought of the prisoner's speech, "Garfield vs. Hancock," and replied that in his opinion it was a ridiculous, disjointed affair.

Guiteau who had smiled complacently when the witness came upon the stand, here became very much incensed and shouted out: "Well, it wasn't anything of the kind. You don't know what you are talking about. My speech received the indorsement of the best men in the country."

Witness resumed by saying: "The prisoner seemed to be a perfect nuisance about the rooms," but was interrupted by Guiteau, who retorted: "You were a nuisance yourself. I'd rather be hung as a man than acquitted as a fool, and I won't have any more of this kind of evidence." Witness added: "He was a laughing-stock, so far as I could see."

Guiteau became greatly enraged and turning to Mr Scoville shouted: "If you put any more of these crank fellows on the stand I'll score you again. It was a great piece of impertinence on your part to put Judge Davis on the stand without consulting me. I'm no fool and I won't allow you to make me out one."

Dr. Charles H. Nicholls, Superintendent of the New York Bloomingdale Asylum, being sworn as a witness, Mr. Scoville put the question to him regarding the want of power of the prisoner to resist the mental pressure of supposed inspiration of the Deity. Guiteau, who was filling a sheet of foolscap with his autographs, excitedly said, "That's all there is in it. I claim that I acted under the inspiration of the Deity. I rest my case on this." As he said this he struck the table with his fist, and resumed his writing, frequently repeating, "That's all there is in it," and sometimes giving his ideas as to the admissibility of the testimony and the province of the jury in determining the fact. Upon the hypothesis given by the interrogatory Dr. Nicholls pronounced him insane. In the cross-examination Mr. Davidge said, "I see nothing to do except to formulate such a hypothetical case as may require the witness to give his opinion as to the responsibility of the prisoner." Mr. Scoville expressed his willingness to give the prosecution time to formulate the question. Guiteau objected on the ground that the prosecution did not accommodate him. Upon the suggestion of Dr. Gray, of the New York State Asylum, Utica, Mr. Davidge said he would shorten the question, as he might call Dr. Nicholls as a witness for the prosecution.

Dr. Charles F. Folsom, of Boston, Mass., upon the question as formulated by Mr. Scoville, said he would un-

hesitatingly pronounce the prisoner insane. Dr. Samuel Worcester, of Salem, Mass., who has made mental diseases a specialty for the past fifteen years, did not understand the hypothesis propounded by Mr. Scoville regarding the interpretation of the word "inspiration." Guiteau at once explained, saying that it means the interjection of foreign substance into my own mind. Mr. Scoville informed the witness that he could stand aside if he did not understand the question. After Mr. Scoville objected to a cross-examination of Dr. Worcester, the prosecution consented that he retire from the witness stand. Dr. Godding, superintendent of the Government Hospital, being called by Mr. Scoville, said he had not been summoned, but being present could not object to testifying. In reply to the question as to the hypothetical case, he answered, "Unquestionably insane." This caused no little commotion among the audience, and two bailiffs commanded silence and enjoined order. Dr. McBride, of the insane asylum at Milwaukee, Wis., in answer to the hypothetical case stated by Mr. Scoville, said: "Assuming them to be all true, I would say, 'The prisoner is unquestionably insane.'" There was some laughter when Mr. Davidge said to the witness, "Sit down."

The next witness was Dr. Walter Channing, of Brookline, Mass. He has made a special study of mental diseases for eight years; has been connected with the asylum for insane criminals at Auburn, N. Y., and with the State Insane Hospital at Danvers, Mass.; also with a small private asylum at Brookline, Mass. The hypothetical question was read to the witness, and his answer was: "Taking all those propositions to be the exact truth, I should say the man was insane."

The next witness was Dr. Theodore W. Fisher, of Boston, Mass. He has made a specialty of mental diseases for twenty years, and has been connected with the Boston Lunatic Asylum as assistant superintendent and superintendent. The hypothetical question was read to the witness, and his answer was: "I should dislike very much to be confined to that statement of facts, but if I am obliged to answer that question, I should say he was insane."

The following is the text of the hypothetical questions propounded to experts in the Guiteau trial, by counsel for the prosecution. They are of extraordinary length, but after being read to the witness he is expected to give a definite answer:

First hypothesis: Assume a man forty years of age, in good health, who has always enjoyed good health, and who had never been seriously ill during the whole of his life, but that for some time previous to his birth his mother was an invalid; that one paternal uncle was an inmate of an insane asylum and died there, the alleged cause of the insanity being disappointed affection and mortification after fighting a sham duel; that another uncle was of dissipated and dissolute habits, and two first cousins were of unsound mind; that he was brought up under the care of his father, who was a man of earnest religious belief, and who enjoyed a high character for honesty, integrity, uprightness, candor, and excellent business qualifications, and who was, from time to time, for many years, elected to public positions of trust and responsibility, and who was at the time of his death, and for twelve years preceding, the cashier and virtually the business manager of a national bank. Suppose a son at the age of nineteen years, while pursuing studies at a school preparatory to entering a State univer-

sity, abandoning his studies at the solicitation of his father and entering into and becoming a member of the Oneida Community; suppose him to continue a member of that Community, conforming himself to the regulations and practices of the Community for a period of five years, at one time leaving the Community for a period of some months to visit New York and other places, and then voluntarily returning to the Community and remaining the additional period of one year, at end of which time, becoming dissatisfied with the labor there assigned him, he finally withdrew from the Community by the advice and with the pecuniary aid of a brother-in-law. Assume that after reflection on the subject in the Community he went to New York city, contemplating the establishment of a daily journal to be called the Theocrat, and to be devoted to the dissemination of the peculiar religious belief of that Community, but abandoned the project without commencing its publication, for want of pecuniary assistance and encouragement. Assume that he studied law, was admitted to the bar, and practised his profession in Chicago and New York, was married and divorced by his own procurement; that growing interested in religious matters, he devoted himself to the preparation of lectures upon theological subjects, which he delivered in various parts of the country; that during the period of time when he was thus engaged he visited the home of a sister; that while there his sister said he raised an axe as though he would strike her, which he denied, and that the family physician summoned by her, after an examination, in which he could find neither illusion, hallucination, delusions, or disturbance of the intellectual or perceptional force, said he was insane, "because of exaltation of the emotions and explosions of emotional feeling, also excessive egotism," and that he was the subject of an intense pseudo-religious feeling, and advised that he be taken to an insane asylum, which advice was not followed, and he was not then, or at any subsequent time, confined in a lunatic asylum, and that this statement was without any evidence except that of the sister and the physician here stated. Assume that after this he again travelled about the country delivering his lectures and selling printed copies of the same; but that the views contained in these lectures not meeting the concurrence of his audience and popular favor, he did not derive pecuniary success, and abandoned that enterprise. Assume that during a Presidential political campaign he associated himself with the National Republican Committee, and prepared a speech which was delivered but once, the reason assigned by him being that he was not sufficiently prominent to attract the attention that the members of the National Committee thought necessary in that campaign. Assume that at the close of the campaign he asked General Garfield by letter for the position of Minister to Austria. Assume that after the inauguration of President Garfield this man came to the city of Washington, D. C., and again made application for the Austrian mission, but learning that another person had been appointed to this place withdrew his application for it and applied for the position of Consul to Paris, for which place he pressed his application with great persistence, but not more than is usual with many persons asking for similar positions; that he earnestly and persistently followed up his application for this place by verbal and written requests, having no special claims for the position except his own idea of the value of his services to the party in the Presidential campaign, and having no recommendation signed

by any prominent politician for the place, his only recommendation being that of one Charles H. Reed, of Chicago, who had signed his application for that office. Assume that he was told by Secretary Blaine some time about the middle of May in decided terms never to speak to him again about the Paris Consulship as long as he lived; that persisting in his application he said to Mr. Blaine, "I will see the President and ask him to remove Mr. Walker," the then incumbent, and that he understood Mr. Blaine to reply, "Well, if Sewell will indorse your application I have no objection to you having the place;" and that he inferred from this answer that if President Garfield would remove Mr. Walker, Mr. Blaine would not object to giving him the position; that he then applied to President Garfield to give him the Paris Consulship, and made appeals to prominent politicians in Washington to aid him in this enterprise, and believed that they intended themselves to help him to forward his application; that he finally thought he would have the matter about the Paris Consulship settled one way or the other, and addressed a note to the President, in which he said, among other things, "Can I have the Paris Consulship?" that he was informed, as he had been before repeatedly, that "the President could not see him to-day." Assume that four days after his alleged conception of the idea of removing the President he wrote to the President; that he dwelt upon this subject for two weeks, and at the end of this time, on or about June 6th, 1881, he inquired of a dealer in guns and pistols for the largest calibre, strongest force and most accurate pistol made; that two days thereafter he returned and purchased that pistol, having in the meantime borrowed money to pay for it; that after purchasing the pistol he inquired as to where he might

practise with it, was informed that he could practise with it outside the city limits and went outside the limits on three occasions, firing ten shots each time and hit the mark; that he followed the President from time to time for the purpose of shooting him, once to a church, which he examined for the purpose of shooting the President through a window, once to a depot, but the sight of a sick wife clinging to the President's arm prevented him from shooting him then, and once followed him to the house of a friend, and while the President was in the house concealed himself in an alley where he examined his pistol, intending to shoot him when he came out; but when he did come out he was accompanied by his friend, and they walked arm in arm closely together, so that he could not shoot him then; that finally, on the 2d day of July, 1881, he arose in the morning, took his pistol and took a walk in the park, then took breakfast, went to a depot, where he was informed by the newspapers, and had ascertained the President would be at about the hour of nine o'clock in the morning, and that going there before this hour he waited for the President, and before his arrival left a bundle of papers at the news stand addressed to Byron Andrews and his co-correspondents of newspapers; that he went into a water-closet, took out his pistol and examined it; that he went outside the depot, had his boots blacked and inquired for a hackman whose services he had engaged two weeks previous, but he not being there, he engaged another hackman, agreeing with him for a stipulated price, conditioned that he should drive rapidly in the direction of the Congressional Cemetery, which was near the jail; that he saw the President arrive at the depot in a carriage with a friend, which he recognized as the carriage of the friend and not the car-

riage of the President; that he saw him in earnest conversation with his friends and waited until the President alighted from the carriage and walked into the depot a few feet; then, approaching the President from behind in a manner which did not attract the President's attention. when within a few feet of the President aimed the pistol at the hollow of his back and fired upon him twice, intending to kill him, and inflicting a mortal wound. Assume that after the shooting he made an effort to reach the carriage he had previously engaged, with a view to get to the jail as rapidly as possible, and thereby avoid the apprehended fury of the populace; that he was intercepted by an officer while endeavoring to reach his carriage; that he had written a letter to General Sherman, which was in his hand when intercepted by the officer, and which, he said, he was anxious to reach the General at once, and which was found to contain a demand for troops to protect him from mob violence, which he greatly feared. Assume that some time in the month of June, 1881, he wrote a letter in which he uses this language:-"I have just shot the President; his death was a political necessity, because he proved a traitor to the men who made him, and thereby imperilled the life of the Republic; that in another letter, dated June 20th, 1881, he used the following language:-"The President's nomination was an act of God, his election was an act of God, his removal is an act of God;" that in a document addressed, "To the American People," and dated as early as June 16th, 1881, he used this language:-"I conceived the idea of removing the President four weeks ago. I conceived the idea myself and kept it to myself;" that in the same document he says, "In the President's madness he has wrecked the once grand, old Republican party, and

for this he dies." And again, "This is not murder; it is a political necessity." Assume that he now claims that on several occasions during his life he has claimed to be inspired—once in connection with his entering the Oneida Community; once preceding his attempt to establish the Theocrat; once in connection with the writing of his lectures and his book, "The Truth," and that subsequent to the attempt to procure office, and some time after the shooting of the President, while in confinement in jail and awaiting trial, he said that he was inspired by the Deity to do that act, and said that the idea came to him one night about the 18th of May, which was about five days after the interview with Secretary Blaine about the Paris consulship, in which he was told by Secretary Blaine never to speak to him about the Paris consulship again, and after again visiting the White House and being refused admission, that he struggled against the idea, but that he finally worked himself up to it and nerved himself to do the shooting. Assume that for years previous to the shooting he procured a precarious living, often leaving his board bills unpaid, borrowing money and going from place to place on the railroads, evading, when he could, the payment of usual railroad fare; that on two or three occasions he was arrested for not paying his board bills, and that he was once arrested and placed in the Tombs in New York city, and was once confined in jail in the city of Chicago for retaining money collected by him which did not belong to him. Assume that under oath, as a witness in his own behalf on trial for murder, he said he felt remorse so far as his personal feelings were concerned, and regretted the necessity for the act, but said he claimed that his duty to the Lord and to the American people overcame his personal feelings and personal regrets as to the act.

Second hypothesis—Suppose that in addition to the foregoing it is shown that this man went from place to place leaving unpaid board bills behind him; that he borrowed money on false representations, using the names of prominent men as references without their knowledge or consent to secure the money; that he abandoned his practice of the profession of law, as he said it did not pay, and went to lecturing on theological subjects in imitation of prominent evangelists who, he said, had made money; that while he was professing religion and a church member he was guilty of deception and lasciviousness; that in the character of a Christian gentleman he travelled through the country borrowing money and contracting indebtedness for his personal support, which he seldom if ever paid, though profuse in promises, evasions and misrepresentations; that he published a book called "Truth," a large part of which was stolen from a book published many years before called the "Berean;" that he represented and sold this book "Truth" as his own literary production and ideas; that, failing in this, he returned to the practice of law and collected money for clients, which he retained; that he associated himself with the Young Men's Christian Association, had his letters addressed in their care and used his relations with them as a passport to secure confidence, which he grossly abused; that he fraudulently obtained money by burnishing an oroide watch and passing it off for gold, and boasted of it; that he declared that he would secure notoriety by doing good or evil, even if he had to kill some prominent man and imitate Wilkes Booth; that as far back as 1872 he took part in the Greeley campaign, declaring that he expected by so doing to secure the Chilean Mission; that in order to procure a divorce from his wife,

who had labored for him and sent money to him for his support, although he was at the time a lawyer and officer of the court, he yet deliberately, in accordance with his own statement, committed adultery with a prostitute and appeared as a witness against himself in the divorce proceedings by which a decree of divorce was granted against him; that during his married life, while a member of the church and professing religion and engaging in the public exercises of the church with which he was connected he got his wife to borrow money from the pastor, and afterward was accused of immoral conduct and vicious and dishonest practices, and in addition to having a loathsome disease he admitted the truth of the accusation; that he went again into politics because neither the law nor theology would pay; that he used each and all the schemes he undertook, which have been presented as evidences of his insanity, for the purpose of dishonestly obtaining money; that during the political campaign of 1880 he wrote a speech which was delivered but once; that on this speech and his so-called services in the campaign he claimed and asked for an important foreign appointment, and for that purpose came to Washington; that immediately before coming to Washington he was getting a precarious subsistence in New York by soliciting life insurance; that in order to get to Washington he borrowed \$10 and arrived in Washington without funds; that he stopped at the Ebbett House one day and left without paying his bill; that he went from one boarding house to another in Washington, leaving the board bills unpaid in each and falsely representing that he was expecting money and would soon pay; that he borrowed \$15 from a friend, stating that he wanted money to pay a board bill, but really used it to purchase a

pistol with which to shoot the President of the United States; that he boarded at a respectable house in the city of Washington for more than five weeks, leaving it only two days before the shooting, and only then because the landlady demanded payment for board, which he promised to pay in a few days, but which was never paid; that during this time he was on friendly relations with his fellow boarders, conversing with them daily at the table upon religious and general topics, attending church, reporting and discussing sermons with the pastor, as well as the revision of the New Testament and the situation as represented by the Senatorial contest at Albany, and exhibiting nothing unusual in his manners, conduct or conversation; that while stopping at this house he followed the President on at least two occasions for the purpose of shooting him, once watching him from Lafayette Park, but seeing him ride out with several friends desisted from shooting him; that once he followed him to the depot, but seeing a sick wife leaning on his arm refrained from shooting on that occasion, and that during all this time he never mentioned the subject of inspiration or that he had any extraordinary relation with the Deity or had any divine commission to perform; that he went to the Riggs House the day before the shooting and left that board bill unpaid; that, failing to secure the offices he sought and disappointed in the expectations which he had frequently said he confidently entertained, he followed the President from place to place, seeking the opportunity to shoot him, and finally learning that the President was to go to Long Branch on a certain day, he went to the railway station to waylay him, and there stealthily approaching him from behind, treacherously murdered him by shooting him in the back;

that, arrested and charged with this crime, he justified it as a patriotic act and claimed that it was a political necessity, and that the President was guilty of the blackest ingratitude by going back on the men who made him; that by removing the President he took but the life of one man, which cemented the Republican party and prevented another war which might have cost thousands of lives, as our last war did, and that the prominent men connected with the Republican party whom he supposed would be benefited by his crime would protect him from the consequences of his act; that when he learned that these men had expressed their abhorrence of his crime he appeared to be "struck dumb" and in "great mental agony," and after collecting himself he repeatedly used the words, "Most astounding!" and exclaiming, "What does it mean? I would have staked my life that they would defend me," and again repeated the words "most astounding," and that shortly thereafter he, for the first time, used the words, or expressed the idea of "inspiration" in referring to his crime; and that only since that time has he claimed "inspiration" as a defence for the murder. Assuming all these propositions to be true, I will ask you to state whether in your opinion the person was sane or insane at the time of shooting President Garfield?

Mr. Scoville stated that he had expected to have President Arthur as a witness; that he had called to see him, but found him engaged on his message. He expected that Mr. Charles B. Farwell, M. C., would be in attendance on the following day. He had but three or four other witnesses to examine, but none of them were present this afternoon.

The Prisoner-I want to say here that I want to have

here as witness General Grant, Senators Conkling and Platt, Governor Jewell and those other men who were doing politics last spring, to appear here, as my own counsel, and I want an order, signed by the Court, to have those gentlemen here. I do not want to have my case compromised by Mr. Scoville. I want to show by General Grant the personal feeling that he had to President Garfield last spring when he wrote his letter to Senator Jones, showing a very bitter spirit toward the President. I want to show that neither Grant nor Conkling nor Jewell would go to the White House. I was on friendly relations with these men. The inspiration which came to me for President Garfield's removal arose from the political situation, and I want to keep thumping that into the ears of the civilized world. Of course it is very important for me to have these men examined in this defence. Mr. Scoville has altogether too narrow a view of this matter. Scoville is a good man, but he is no politician and he is no criminal lawyer. He has done remarkably well, considering, but he is not an expert.

Mr. Scoville—I presume that President Arthur will be willing to attend, and I suppose his testimony will be sufficient.

The Prisoner—I do not think so. I want Grant, Conkling and Platt and Jewell, all those men here. I am going to have an order prepared (beginning to write), and I will ask the Court to sign it and have subpœnas issued for these men. (After a short pause he broke out again.) Mr. Storrs, of Chicago, one of the most brilliant members of the American bar, says that I have got the true theory of this defence. He does not take any stock in Scoville's theory that I am a fool. He says also that I am the ablest law-

yer in this case, and I do not quarrel with him for his opinion. I should be highly pleased if President Arthur would recognize Mr. Storrs' service in the Attorney-General. He is a man of brains and a true-blooded Republican, and would do honor to the nation in that position. I make the suggestion publicly to President Arthur. I have not asked him for any favors, and probably shall not, but I feel authorized to make this suggestion about Mr. Storrs, and, unless the President has made other arrangements, I hope he will act upon this suggestion.

Mr. Scoville next said he would read the addendum to Guiteau's book "Truth," as revised in manuscript by the prisoner. Guiteau seemed pleased with this, and remarked that this was the revised part of the work, written last June, but not yet published. His brother tried to keep him from talking, but the opportunity to speak of his cherished work was not to be lost. The part of the manuscript revision had reference to the author's faith in the doctrine of a personal devil. It was suggested that this particular chapter was intended by Guiteau as an answer to Colonel Ingersoll's lecture entitled, "Why God Don't Kill the Devil." In his work Guiteau takes the ground that the devil is eternal and has existence coeval with God; therefore it would be impossible to kill the devil, is the author's inference. Guiteau gravely informed the Court, "It would not be bad reading to have the whole book read." There was a titter among the audience, and Mr. Corkhill said, "You are right, Mr. Guiteau." But Mr. Davidge, who dreaded the time that the reading of the book would consume, jocularly said to Mr. Scoville, "Then I'll send out for a dictionary to read." The prisoner's eyes flashed as he reminded Mr. Davidge that he had better read the book,

which was full of religious matter: "probably you haven't got any more religious knowledge than you need, Judge," was the conclusion of his remark to Mr. Davidge, who found it impossible to repress a smile. The audience was now laughing. Guiteau bowed his head, but there was discernible in his features the pleasure this laughter afforded him. His next contribution was to publicly suggest that President Arthur appoint Mr. Emory A. Storrs, of Chicago, Attorney-General of the United States.

Although the weather was chilly the court-room was densely packed on the 6th day of December.

When the Court was called to order, shortly after ten o'clock, Judge Cox and Mr. Scoville held a short conference, after which Mr. Scoville returned to his seat and conversed for several minutes with the prisoner. The prisoner said, quietly, "May it please Your Honor, I have prepared an order for the witnesses suggested last evening. I will hand it to Your Honor." Judge Cox received the document, but paid no further attention to it.

Charles B. Farwell, a member of Congress, from Chicago, was the first witness to take the stand.

Mr. Scoville called the witness' attention to the dissensions in the Republican party last spring, and then inquired whether in witness' opinion those dissensions did not contain the disruption of the Republican party. To this question Mr. Davidge objected, and the Court held that the question was too leading.

The Prisoner—It is a rather abrupt way of putting it. You want to smooth the way, Mr. Scoville, with preliminary questions. That was the trouble you had with Mr. Davis. You ought to ask preliminary questions, and not get up to the point at once.

Mr. Porter said that the prosecution had allowed the defence to go into this question of the political situation, but they must not forget that this was a court of justice and a prisoner on trial for crime.

The Prisoner—That's the very point I want to discuss this morning.

Mr. Porter—If the Republican party was in a state of disruption it could not be sustained by the opinion of witnesses, sane or insane. If there is any purpose in this line of inquiry it is to show that the prisoner acted on the reasonable conviction of actual facts and is not insane. If, on the other hand, counsel propose to prove, even by the opinions of witnesses, that the Republican party was not in danger of disruption, and that it was not needful to save the Republic, we will save all trouble by admitting that fact in behalf of the government. Under that view of the case Your Honor will, I think, waste no more time in this irrelevant and wild inquiry.

Mr. Scoville—If the gentleman had made that speech two or three days ago, we might have saved the time he talks about. I understand now that the prosecution admits that the differences in the Republican party did not threaten its existence or integrity. If that is admitted that is all I ask.

Mr. Porter—I have made an admission in terms intelligible to every gentleman in the court-room. I do not propose to adopt the terms my friend proposes. The Republican party was not in danger of disruption. It was not needful, for the purpose of saving the American Republic, that its President should be murdered. While we admit these facts, however, we by no means admit that there were not those so vile and revolutionary in spirit, and

so desirous of notoriety that they entertained a different view—not from insanity, but depravity and desire of self-advancement.

The Prisoner (violently)—That is false. I will tell you that to your face. I say that the Republican party was heating up. It was red hot about the last of June, redder hot about the 1st of July, and there was no telling what might have resulted. My inspiration was to remove the President. I do not pretend there was going to be a war, but it would have come in two or three years. Everything was tending in that direction. I want that hounded down.

Mr. Scoville (indignantly)—It is highly improper for counsel to make a speech to the jury in arguing a question of law to the Court.

Mr. Porter—I do not understand that I am bound to ask Your Honor to dismiss the jury every time I discuss a question of law.

Mr. Scoville—I merely make the suggestion; I shall not waste any more time; I have the admission I want.

The examination was then continued. Witness stated that he knew the prisoner slightly; he came to witness' office in Chicago about six years ago, said his name was Guiteau, and handed him a roll of papers that he said were editorials for a newspaper he proposed to establish; he wanted witness to lend him \$200,000 to start the paper, and said he would make him President of the United States.

The Prisoner—I am very sorry to contradict you, but I never said so.

Q. In that conversation did the prisoner appear to be addressing you sincerely or jokingly? A. I never met him before. He said he would call again, and he did so a few

days after. He desired me to read those leading editorials, and I did so.

The Prisoner—That part is correct, but that about the \$200,000 is not. I wanted you to lend me some money when I was trying to establish the *Inter-Ocean*. You went on to tell me of your affairs in a sympathetic manner. You said you had put \$10,000 into the *Inter-Ocean*, and would not put in another cent.

The Witness—I examined the articles he had brought and when he came back I said that I did not care to engage in the enterprise; I saw him twice since that, at the Arlington Hotel in March last; he came in with a paper in the form of a recommendation, unsigned, and asked me to sign my name to it; it was asking the President to appoint him to the Austrian mission, or the Paris consulship; I do not know which; I rather think it was in the alternative; the conversation lasted a very few minutes.

Q. Did you observe his actions particularly? A. Not specially.

Q. Did you have any other interview with him? A. No sir.

Q. Did you form any opinion as to his mental condition?

A. I never thought him a sane man in those two interviews.

Cross-examined by Mr. Davidge.

Q. Did you have occasion to form any opinion as to the knowledge on the part of the prisoner of right and

wrong?

Mr. Scoville objected.

The Prisoner (excitedly)—I did not have any option in the matter. That disposes of the question of right and wrong. I had to do it, and that is all there is about it.

The Court ruled that the capacity of the prisoner to

distinguish between right and wrong might be inquired

into.

The Prisoner—My mind was absolutely blank in regard to right and wrong; I had no conception of it as a wrong act; the pressure on me to do that act was so strong that I had to do it; I want to keep pounding that in.

Mr. Scoville excepted to the ruling of the Court.

Mr. Davidge then repeated the question.

A. I met him on only three occasions; I had no occasion to act upon any opinion except as to the act of lending money and signing his paper; I refused in both of those instances; I think there are grades in insanity.

Mr. Davidge-I think so.

The Witness—I think he knew the difference between right and wrong.

Mr. Scoville excepted to the answer.

The Prisoner—That was about three months before the alleged shooting; this whole business rests on the simple question whether the Deity inspired the act.

The Court (severely)—What is the necessity of your making that statement so often. Keep quiet.

The Prisoner-It saves a good deal of foolish talk.

The Court-No, it does not.

The next witness was Mr. George C. Gorham, editor of the Washington National Republican. He stated that he had taken an interest in politics ever since he had been able to read the newspapers; he had never read the speech of the prisoner entitled "Garfield against Hancock."

Mr. Scoville handed witness a copy of the speech and asked him to read it.

Mr. Porter—I must insist that the trial shall proceed.

Mr. Scoville—It will proceed; I will go on reading the book (Truth).

Mr. Gorham then glanced over the speech which had been handed him, and the prisoner, at Mr. Scoville's request, proceeded to read extracts from his book, and read such portions of it as referred to the Apostle Paul, and compared Paul's life to his own, ending with the remark that Paul had got his reward and that he (Guiteau) would get his some day. The examination of Mr. Gorham was then continued.

Mr. Scoville—Is there anything in that speech, alluding to the speech of Garfield against Hancock, that would entitle it to be considered a remarkable production in a political campaign?

The Prisoner (violently)—I object to any such talk; I told you so yesterday (to Mr. Scoville); you are going to prove by Mr. Gorham, who did not read the speech when it was first published, that I am a fool. When that speech was first delivered to the best men of the country, they said that it was a good speech, and you can't prove a year afterward that it was not.

Mr. Davidge suggested that if the prisoner said that that question ought not to be answered the Court ought to rule tout.

The Prisoner (still addressing Mr. Scoville)—If you bandon your theory that I am a fool we can go on har-noniously, but not before; I considered it a good speech hen, though it is a dead-letter now.

The Witness—I think that different opinions may be ntertained as to the speech.

Mr. Scoville-I ask you your opinion.

The Prisoner—What would you have thought about it f you had read the speech on the 6th of August, when the ation was heated up?

The Witness—It is a pretty well condensed statement of the situation as viewed by a good many people; it is neither remarkable on the one hand nor ridiculous on the other.

The Prisoner-That is all I ever claimed for it.

Mr. Scoville—Is there any such political merit in that speech—

The Prisoner (interrupting)—I won't have you put that in.

Mr. Scoville (continuing)—As to entitle him to demand the Austrian Mission as a reward for it?

The Prisoner—I did not claim anything of the kind. It is silly talk to put that in.

The Court—That is too wide a question.

Mr. Scoville-The jury can judge of that.

The Prisoner (approvingly)—Of course. (To Mr. Scoville)—You are getting cranky on this business yourself. Then, assuming the *role* of counsel, the prisoner turned to the witness and asked:—Did you not write or inspire editorials last spring denouncing President Garfield?

The Witness-The editorials will tell for themselves.

The Prisoner—Is not that a fact? Did you not inspire the writing of editorials denouncing Garfield in the bitterest terms for wrecking the Republican party?

The Witness—I will not answer that question until the Court directs; the papers will show for themselves; the files are in existence.

The Court—The files can be produced.

The Prisoner-I ask an order to have the files produced.

The District Attorney—Mr. Gorham does not have control of the files.

The Prisoner-He is the editor and the gentleman who

does all the head-work. If he did not actually write the editorials he inspired them. The paper denounced Garfield in the bitterest terms in May and June for wrecking the Republican party. They could not say anything hard enough against him and now they are deifying him. (To Mr. Davidge)—Will you admit the fact that the Republican was denouncing Garfield in last May and June?

Mr. Davidge—I did not read the Republican; I read very few papers.

The Prisoner (To Mr. Gorham)—I will have to recall you at a later period, when the files are brought in.

After a pause the prisoner broke out:—"I would like to know if Your Honor has signed that order?"

The Court-I have not looked at it.

The Prisoner (excitedly)—What has become of that order? (To Mr. Scoville)—I suppose you have suppressed it. It looks as if you were sitting down upon it. I would like to ask the clerk of the court if he has an order to issue subpœnas for General Grant, Collector Robertson, Mr. Jewell and those kind of men.

Mr. Scoville said that last Friday a subpœna had been issued to President Arthur, as he could prove certain things which could not be proved by any other person. He had endeavored to treat the President with all due consideration. He went to see him yesterday but the President was then very busy on his message. He went there again this morning and understood that the President had been up the greater part of last night. It might not be practicable for the President to come into court to-day. He therefore proposed at whatever stage of the case the President might find it convenient to come his testimony should be taken.

Mr. Davidge called on Mr. Scoville to state what he expected to prove by the President.

Mr. Scoville—I expect to prove by him that the prisoner, some time in October last, after I came here, wrote to the President a letter, which was sent to him, addressing him in very familiar terms, and requesting him, as one equal might request another, to do certain things of a public character. I expect to prove that the prisoner in this letter applied to the President, apparently with perfect confidence that the President would heed his requests and comply with them, and I expect to show by the President that he had never given the prisoner any ground for supposing that he even knew him.

The prisoner fired up at this suggestion and exclaimed, "That is false, sir. I considered General Arthur and all these men as on friendly relations with me. Whenever they met me on the street they treated me well." (To Mr. Scoville)—I repudiate you and your theory. You had no business to get into this case at all, and you would not have got into it if you had not been my brother-in-law. You are not fit to try the case. You are trying it like a booby. You sneaked into this case. I was on good, friendly relations with Grant and Arthur and Conkling and Jewell and all that kind of men. They always treated me in a friendly, kindly way. (Again turning to Mr. Scoville)—Your idea that I am a fool I repudiate.

Mr. Scoville—I propose to show by President Arthur that all that the prisoner is now saying is false.

The Prisoner—It is not; these men were always pleased and glad to see me.

Mr. Scoville—And that the prisoner had never any reasonable grounds, any such grounds as a sane man would act upon—

The Prisoner (fiercely)—I repudiate that theory entirely.

Mr. Scoville (finishing his sentence)—to apply to President Arthur for any favor or position whatever. These are some of the facts which I expect to show by the President.

The Prisoner-You cannot show it.

Mr. Scoville—I do not expect to question the President as to political affairs or as to his public or private relations, but simply as to those personal matters connected with the prisoner as to which President Arthur is informed, and which I cannot show by any other person.

The Prisoner (contemptuously to Mr. Scoville)—You had never anything to do with those high-toned men. You do not know how to act with them. You have been always down in the dirt. You have got no political record. You ought to have stayed in Chicago and not come into this case. You have no capacity for this kind of business. What do you know about it? You will not "sit down on me" any more.

Mr. Porter in solemn tones suggested that this court, a branch of the judiciary department of the government, had no right to compel the attendance of the President, summoning him from the discharge of his duties to the nation to serve the purposes of a criminal, and he proposed that interrogatories in writing should be submitted to the President, and his answers to them received in evidence.

The Prisoner (with great irritability of manner)—I object to Mr. Scoville coming here and compromising my case. It is not just, and there is no sense in it. He came into the case merely because he is my brother-in-law. If Colonel Corkhill had not come to my cell a week after the President's death and asked if he should not send for Mr. Scoville, he would not have been here. He is no criminal

lawyer and no politician. I want a first-class artist on this case.

Mr. Scoville—I accept the offer of Mr. Porter—that is, I will propound written questions to the President, and take his written answers as evidence.

The Prisoner (breaking in)—I do not care a single cent about President Arthur being in the case, but I do want to have Grant and Conkling and Jewell and this class of men.

Mr. Scoville—I consider it important and necessary that the defence in this case should have, in some form, the testimony of the President. I have done my best to obtain it. It is absurd for Mr. Porter to claim, in his solemn manner, that a branch of the judiciary cannot command the attendance of the Executive. The President may know a fact material to the defence of this man, and counsel has no right to say that the President shall not be called into court to vindicate a criminal. He is not a criminal until the verdict of the jury is rendered, and he is entitled to the knowledge of every man in the country, whether President or laborer, that is necessary to his defence.

The Court—Reduce your interrogatories to writing, and if the ruling of the Court is wanted, I will rule upon them.

Mr. Scoville—I am willing to do that. I only want to get at this matter in the best way it can be done. I have stated fairly and candidly what I propose to show by the President, and I do not propose to go any further. But I cannot reduce my interrogatories to writing now and here.

The Court—It can be done this afternoon.

The Prisoner—I wish to know whether Your Honor considers the defence as now closed. I want the chance to

subpæna those prominent men whose names I have given to Your Honor, and I want a ruling on that.

Mr. Porter—That is a question of practice and discretion at the present stage of the trial—

The Prisoner (interrupting)—You keep quiet, Judge.

Mr. Porter (continuing)—And is not a proceeding that is subject to revision or appeal. Your Honor can best determine out of court, and the progress of the trial should not be arrested by it in court.

The Court (to the prisoner)—I will look into that matter.

The Prisoner—I thank Your Honor. I want justice and no more than justice in the matter. We will be allowed to introduce these prominent gentlemen whenever we can get access to them. I wanted them subpænaed several days ago, but Mr. Scoville and I did not agree on the theory of this defence. If Mr. Storrs were defending this case, he and I would be in perfect harmony. He is an abler man than Scoville in every way. I am very sorry that I could not get Storrs into the case. Storrs is a politician, and one of the most brilliant men at the American Bar. Scoville is doing well enough on his theory, but his theory is too narrow on this kind of business. That is all the trouble with him. It requires a first-class artist to do this fine work.

Mr. John W. Guiteau was recalled to give the date at which he began to change his mind as to his brother's mental condition. He dated the change from the receipt of a bundle of his letters from his sister Flora after October 21st last.

Mr. Scoville then proceeded to read some posters and handbills advertising the book called "Truth," and the

prisoner's lecture on the second coming of Christ. In the course of the reading the prisoner occasionally broke out with remarks, among them the following: "The people are beginning to understand that the Deity inspired this act, and they say, 'Well if the Deity inspired it, let it go."

Mr. Scoville—I believe that this closes the case for the defence.

The Prisoner—I want a ruling on my application for subpœnas for these prominent men.

The Court-I do not think it necessary to issue them.

The Prisoner—Then the reporter will note an exception. Let the record show that I applied in person for subpœnas for certain persons to show my connection with these prominent persons—Conkling, Grant, Arthur, Jewell and that class of men. I want to show my relations with them personally and politically, and the Court refuses to allow it. Note an exception on that point.

Mr. Davidge asked Mr. Scoville what he proposed to do as to the portions of the book "Truth" which he intended to call to the attention of the jury.

Mr. Scoville proposed that he should mark those portions, and then be at liberty to refer to them.

As counsel for the government objected to that course, Mr. Scoville said he would only have to read the whole book, and he was beginning to do so when the prisoner called out to him, "Do not read it like a schoolboy; read it with some spirit." Thereupon Mr. Scoville proposed that the prisoner himself should do the reading, and he proceeded to do so, with a rather poor effort at declamation and with occasional illustrative remarks, such as "That is the way that Paul got in his work," when a slight disturbance was caused by some of the spectators trying to get

out, the prisoner commanded order and said, "Some of this book is interesting. It is good religious talk. It will do people good to hear it read." After about three-quarters of an hour spent in this way, the District Attorney intervened, representing that this was a waste of the time of the court, and as a result of some discussion it was agreed that Mr. Seoville should to-morrow mark the portions of the book to which he proposed to call the attention of the jury.

The question as to the "Berean" being in evidence also came up, and counsel for the prosecution intimated that they would take such course in regard to it as they would deem proper.

Mr. Scoville then announced that, with the exception of the testimony of President Arthur—as arranged for to-day—the testimony of Dr. Spitzka, of New York, whom he would telegraph to bring in court to-morrow morning, and the extracts of the book called "Truth, "which he would mark by to-morrow, the case for the defence was closed.

Then, at twelve o'clock, at the suggestion of the District Attorney, the court adjourned.

CHAPTER X.

The Rebuttal.—Testimony of General Sherman.—The Family Physician Testifies that Guiteau's Father was not cranky.

THE sensations of the Court proceedings on the 7th day of December were the examination of General Sherman and of witnesses from Freeport, Ill., for the prosecution.

Hardly had the court been called to order and the prisoner brought in when he broke out:-" May it please your Honor," he said, "the American people don't desire that this case shall be tried again, and I don't desire it. I say with the utmost respect to this Court and jury and my counsel, Mr. Scoville, that I am not satisfied with the political situation as developed in this case. That is the gist of this alleged offence. The President of the United States would never have been shot if it had not been for the political situation as it existed last May and June, and I say I have a right, as a matter of law, appearing as my own counsel, to ask your Honor that General Grant, Senators Conkling and Platt, and President Arthur, and those kind of men, who were so down upon Garfield that they would not speak to him on the street and would not go to the White House; I have a right to show that: I have a right to show my personal relations to those gentlemen; that I was on friendly terms with them; cordially received,

well dressed and well fed at the Fifth Avenue Hotel, at the National Committee: I want to show my supposed personal relations to those men; I don't want to take exception to your Honor's ruling, but I shall be obliged to do so; I have no doubt that the Court in Banc will give me a new trial.

The Court—Your exceptions have already been noted.

The Prisoner—I intend to make the closing speech in this case, after Mr. Scoville has had his say. He is doing splendidly, according to his theory; but his theory is altogether too narrow in my judgment. That is all I have against Mr. Scoville.

Mr. Scoville stated that in accordance with the agreement entered into yesterday he had drawn up six interrogatories and sent them to the President yesterday afternoon, asking him as to his knowledge of the prisoner, the relations between them and generally as to those matters. He had requested an answer to be returned last evening or by nine o'clock this morning, but had not yet received it. Mr. Porter said that the counsel for the prosecution had expected the interrogatories to be submitted to them.

Mr. Scoville said he had stated yesterday in open Court the questions which he proposed to ask the President and counsel said that they had no objection to them. Having only three or four hours within which to act yesterday he could not be expected to run around after counsel to get them to agree to the interrogatories. He had supposed that the President was very much occupied, and therefore he had desired to get the questions before him as soon as possible.

The Prisoner—I do not think it at all necessary, for General Arthur to be bored in that kind of way; I do not equire his presence at all.

Mr. Scoville—I want the President's testimony, that is all. The Prisoner—I do not care whether you want him or not; I am doing this business myself; I disagree entirely with your theory of the defence; I want President Arthur on the stand; I want to talk to him; I would not give a snap of my finger for your paper business.

Mr. Davidge—The interrogatories should have been submitted to us, but it is of no consequence now; we will make it our duty to see them, and I have no doubt that if they are as stated by Mr. Scoville they will be answered.

The Prisoner—General Arthur is President of the United States, and it would be improper to have him dragged into Court. I don't wish it as a personal favor. I think a good deal of President Arthur; I made him President, and I have a right to have something to say in this matter.

Mr. Scoville—I want to have the testimony of the President either by his answers to my interrogatories or by his personal attendance in court.

The Court—If the answers to the interrogatories are produced you can have the benefit of them at any time.

Mr. Scoville-Very well.

Dr. Spitzka, of New York, and Nettie G. Rood of Chicago, were called as witnesses for the defence, but as neither of them responded Mr. Scoville applied for attachments against them. He said that he had relied on Dr. Spitzka as the chief of his expert witnesses, and had refrained from asking other experts questions which he had reserved for Dr. Spitzka. He had written and telegraphed to him several times, and had telegraphed him yesterday to be in court this morning. Miss Rood, he understood, had refused to come, and was contumacious.

Here the prisoner broke out on another subject.

"There is a continuous pressure upon me," he said, "for my autograph. Some people seem to think me a great man, and the newspapers speak of my vanity and egotism. Now, I don't care a snap about that. I have no egotism or vanity. I repudiate the entire idea of vanity or egotism."

The Court informed Mr. Scoville that he could have the attachments applied for.

Mr. Scoville—That is all except the testimony of the President.

The Prisoner—I desire to see the President here in person, not on paper. I will be very glad to see him here personally.

Mr. Scoville—I had relied on Dr. Spitzka as the chief expert on our side of the case, and I understood him to be a gentleman who had made a special study of the diseases of the mind.

The District Attorney—Would it meet your view if we should agree that Dr. Spitzka would say "Yes" to your hypothetical case?

Mr. Scoville—It would not. I expected to question him at length on the general subject of insanity. He will be here, no doubt, before this subject is gone over by the prosecution. It seems to me that in a matter of this importance, where the life of a human being is at stake, this matter of form (where it cannot prejudice the prosecution at all) should not be insisted on.

The Court (to the District Attorney)—Do I understand that you will not object to Dr. Spitzka's being examined when he comes?

The District Attorney—It is better to meet difficulties when they present themselves.

Mr. Scoville—You certainly do not risk anything by consenting to that.

The District Attorney—I think we had better take the regular course. When Dr. Spitzka gets here his examination will be a matter entirely in the discretion of the Court.

Mr. Scoville—Dr. Spitzka has investigated this case, as I understand, scientifically, and I also understand that Mr. Porter himself wanted Dr. Spitzka to testify on behalf of the prosecution, and that Dr. Spitzka informed him that he had investigated this case and made up his mind so that he could not assist the prosecution. Relying upon what I knew and on letters which I had seen from Dr. Spitzka, I expected to rely on him for the defence on this branch of the case.

The District Attorney—Will it be satisfactory to you if we make no objection to his testimony, provided he is brought here before the testimony of medical gentlemen for the government is introduced?

Mr. Scoville—Before you get through with it? A. Yes. The Prisoner—Better have an attachment served on him. He is a very important man. He has examined into this case scientifically in all its bearings. He is just the man I want to see here.

The Court (to Mr. Scoville)—You can have your attachments. If Dr. Spitzka comes the question can be disposed of then.

Mr. Scoville—Very well. I will leave that question to Your Honor, satisfied that we shall not be prejudiced.

The Court-You will not be prejudiced, of course.

Mr. Scoville—I have glanced over this book, "Truth," and find that its general character is the same as in those portions of it which have been read in court. I shall probably only have to call the attention of the jury to the alterations in the book made in writing.

The Prisoner—When I come to address the jury I propose to show the substratum of thought and the new ideas running through that book. Mr. Scoville may do what he has a mind in his talk—

Mr. Scoville-That is all.

The case of rebuttal on the part of the Government was opened by calling to the stand William T. Sherman, General of the Army of the United States. He identified the letter of the prisoner, which was handed to him at five minutes to twelve A. M. on the 2d of July, at his office in the War Department. The prisoner suggested that the letter should be read, but no attention was paid to him. In response to a question by the District Attorney, the witness stated that the four companies of artillery which then constituted the garrison of Washington were called out by him on the first intimation to him that the President had been shot; the shooting of the President under the circumstances, as reported to him, had given rise to an apprehension that it was part and parcel of a conspiracy pervading the country, and therefore he had promptly called out the troops.

Q. Did you make an examination to ascertain the facts?

A. I did; I went to the depot and saw the Secretaries of State and War, and learned from them and others the principal facts; I then sent Colonel Kidball to the depot with troops; I then went to the War Department and there received the letter which I hold in my hand.

Q. After you ascertained that there was no conspiracy did the army still remain in charge of the jail? A. The army did not take charge, but assisted the civil authorities in the execution of their duties; a guard was sent to the jail at the request of Major Brock.

Cross-examination by Mr. Scoville:

Q. You said something about a conspiracy? A. I said that when I first learned that General Garfield had been shot down in the depot my mind jumped to the conclusion that it must have other connection resulting from a conspiracy.

The Prisoner—Resulting, General, from the political situation; wait a moment (as General Sherman was about to

leave the stand).

Mr. Scoville—Did you have any other foundation for that opinion than your own suspicion?

The Witness-None,

Mr. Scoville-Did you ever have?

The Witness-Never.

Mr. Scoville-Did you investigate the subject?

The Witness-Yes.

Mr. Scoville-What conclusion did you arrive at?

Witness—I came to the conclusion that it was the act of one man, and one man alone.

The Prisoner—I'm much obliged to you, General, for sending troops to my protection at that time; I should not have been here if it had not been for you and General Crocker and Major Brock.

The next witness was Edward P. Barton, a lawyer, of Freeport, Ill., who testified to having known Luther W. Guiteau very well from 1856 until the day of his death; he had the character of a very reliable, honest, clear-headed, straightforward business man; he was intelligent to an unusual degree, and kept posted in the current literature and polities of the day; his mind was a peculiarly logical one.

Q. Did you ever hear his sanity called into question before this trial?

Mr. Scoville objected. Objection sustained. Witness then stated his acquaintance with Abram Guiteau, the prisoner's uncle, and always considered him perfectly sane; he was only slightly acquainted with John W. Guiteau and Mrs. Scoville and never had any idea but that they were perfectly sane; all Abram Guiteau's children were sane so far as he knew.

In cross-examination the witness stated that when J. W. Guiteau returned from Wisconsin last year he was somewhat delirious.

Q. Do you remember telling your partner, Mr. Burchard, director of the Mint, that you had a conversation with L. W. Guiteau in which he claimed that he would never die? A. I think that something of that kind occurred.

Q. You did have a conversation with Guiteau in which he took that position? A. I think he said something of the kind.

Q. Had you reason to believe that he was not stating his true convictions? A. Well, I never thought he believed it, but that he had a hope that by living a pure life, such as was required by the New Testament, he possibly might not die.

Q. If you told Mr. Burchard that such a conversation occurred it was true?

Mr. Davidge objected. Objection overruled.

The Prisoner—That is the way, exactly, my father used to talk.

The Witness—I think that I made a correct report of the conversation to Mr. Burchard.

Q. Would you consider a man perfectly sane that entertained a fixed belief that he would never die? A. That would depend on what he based that belief on. If he

based his opinion on the texts of the Bible which indicate that life on this earth may continue forever, and he was a firm believer in the Bible and its inspiration I should say it would not indicate that he was insane.

- Q. What passage or passages of the Bible do you refer to? A. I think in the sixth chapter of John it says, "Your fathers did eat manna in the wilderness, and they are dead. The bread which I shall give, if you eat of that you shall never die;" that is something the line of text to which I refer.
- A. T. Greene, a collector, of Freeport, Ill., testified his belief in the sanity of the whole Guiteau family, and the cross-examination failed to shake his testimony.

Gardner W. Tandy, a boot and shoe dealer, of Freeport, Ill., also testified to the sanity of such members of the Guiteau family as he had any knowledge of.

The cross-examination elicited nothing except that witness' acquaintance with Abram Guiteau was very slight.

The Prisoner—My father was badly cranked on religion, but a good business man. He was the laughing stock of Freeport for twenty-five years.

Benjamin T. Buckley, a practising physician of Freeport, Ill., was the next witness. For some years he had been the doctor of L. W. Guiteau's family; he had always regarded Mr. Guiteau as a man of fine intellect, with a clear, logical mind; he was a public-spirited man, a man of benevolence, always interested in the cause of education and temperance; witness never saw the slightest indication of mental trouble in the man.

The District Attorney—Nor anybody else. Mr. Scoville—Are you testifying, Colonel? The District Attorney—I would like to.

Mr. Scoville—Then get on the stand.

The witness was questioned as to any peculiarity in the conduct of L. W. Guiteau in regard to driving away doctors and curing persons by prayer. He knew nothing at all in relation to it.

The Prisoner—Father only talked that way in his family; he didn't go round the street like an idiot or jackass.

In the cross-examination Mr. Scoville questioned witness as to his knowledge of L. W. Guiteau's intention to start a branch of the Oneida Community at Freeport, but witness denied knowing anything of the kind.

The Prisoner—My father took that man North into his house and used the money he should have sent me to college with, to support North and his family on the Community principle.

The witness was asked by Mr. Scoville if he did not know the fact that Flora, the prisoner's half-sister, was sent to St. Louis to undergo treatment for insanity, and gave a negative reply.

The witness was about to step from the stand, the examination being closed, when J. Wilson Guiteau rose, and in an indignant tone said:—"I wish to request the prosecution to ask Dr. Buckley the exact condition of my sister's disease. I consider it a burning shame to leave a stigma on that lady. I want the prosecution to inquire whether it was a fact that she was sent to St. Louis on the ground, as has been asserted, that she was threatened with insanity."

As Mr. Guiteau sat down, his sister, Mrs. Scoville, turned on him with flashing eyes and reproached him for his remarks in such an excited manner that the court was obliged to demand order.

The District Attorney agreed with Mr. Guiteau that the

matter should be inquired into. This attempt to smirch a young girl was unpardonable.

Mr. Scoville (angrily)—If there is anything unpardonable it is such a remark as that of the District Attorney.

The District Attorney—I have a letter from that girl on this very subject. She feels it very deeply, as she ought to feel it. It is a shame that an unmarried girl, twenty-four years old, against whom not a word has been uttered, should be dragged in here by an imputation that she is suffering from a taint of insanity.

J. W. Guiteau—She had some trouble with her eyes; I don't know what it was.

The Witness—She had a nervous affection of the eyes.

The District Attorney—Is she not a girl of remarkable mental ability?

The Witness—She is a remarkable girl and stands high in the community.

The Prisoner—I am sorry my half-sister Flora's name was mentioned in this case. I know she is a high-toned lady and stands well in Freeport. I send her my greeting.

Smith D. Atkins, editor of the Freeport Republican, was the next witness, and testified as to the sanity of the Guiteau family. He was questioned as to the character of Messrs. North and Amerling, witnesses for the defence, and stated that North had been excluded from the Methodist church for lascivious conduct, and that Amerling was such a man as Luther W. Guiteau would not associate with.

The Prisoner—I never heard any Oneida believers in Freeport ever charged with lascivious conduct.

The Court then, at half-past twelve, took a recess for one hour.

The first witness after the recess was J. S. Cochran, a lawyer, of Freeport, Ill. He had resided there since 1858; knew Luther W. Guiteau intimately up to the time of his death; never saw in him any indication of mental disturbance, however slight; knew also Abram Guiteau; never saw any evidence of insanity in him; never had any reason to suppose that any of the family was of unsound mind.

The cross-examination elicited no important facts, and the witness was about to step down when the prisoner stopped him and asked, "Don't you know that my father had an active interest in the Oneida Community? Have you not heard him discuss free-lovism and Noyesism in Freeport, and did you not know he was the laughing-stock there for twenty-five years? Did not everybody look upon him as cranky? (To Mr. Scoville, who was attempting to repress him)—I am doing this. Don't pretend to interrupt me when I am speaking."

The District Attorney stated that the witness might answer the prisoner's question, as he was acting as his own counsel.

The official stenographer read the questions, and the witness replied that he had never heard of L. W. Guiteau being a believer in the Oneida Community, or of being at all cranky.

The Prisoner—All these witnesses, it will be observed, knew about my father's business affairs. They knew nothing about his social and religious character.

George W. Oiler, a Justice of the Peace of Freeport, Ill., was the next witness, and testified as to the sanity of the Guiteaus. He was then questioned by the District Attorney as to Mr. Amerling, and stated that he had received a letter from that gentleman before the trial, asking him to

look up the eccentricities of the Guiteau family; he thought that the letter was written for the purpose of getting him to manufacture—

The District Attorney-So I thought.

Mr. Scoville started up angrily.

The District Attorney-That is irregular; I admit it.

Mr. Scoville—Then don't do it. You first do it and then admit it.

Mr. Scoville also bitterly complained of the slurring manner in which the District Attorney alluded to Messrs. North and Amerling, instancing the fact that he had asked one witness whether he knew a "supposed lawyer named Amerling," and carried the matter no further.

The Prisoner—That shows the bad breeding of the man. The witness admitted, on cross-examination, that he knew nothing of L. W. Guiteau's religious views.

Anson A. Babcock, a farmer of Freeport, Ill., testified that he had lived there forty years; never saw anything in L. W. Guiteau or his family indicating insanity. On cross-examination he stated that he knew nothing of Guiteau's private actions.

While waiting for the next witness the prisoner looked up from the paper which he had been reading for some time and stated his opinion of the President's annual Message. "I am very glad," he said, "that General Arthur has rapped those miserable Mormons, and I hope he will do it again. I want him to make it a specialty of his administration to destroy Mormonism. The Message shows that he is a very fine man in his administration. I expect he will give us the best administration we have ever had. The Message has the true ring to it."

Mr. David H. Sunderland, State Senator from the county

in which Freeport is situated, and formerly a school-master of the prisoner, then took the stand. He had never seen any symptoms of insanity in the Guiteau family. In cross-examination he stated that when the prisoner went to school to him he was six years old and had great difficulty in articulating and giving the right pronunciation to words.

Horace Tarbox, a general trader, dealer in lands and miscellaneous speculator, from Freeport, testified that he knew the prisoner's father forty years, and that he was not of unsound mind, but had as good a head on him as any man in the State. Mr. Tarbox said that in point of intellect Luther Guiteau was the third smartest man in the county. "Who was the first?" asked the prisoner; "and who the second?" When Mr. Tarbox said Mr. Turner was the first and Mr. Sweat the second, Guiteau smilingly exclaimed, "Why, they are both dead, and that leaves my father first." According to his theory of smartness a man is to be rated according to his ability to get office; he was never with the prisoner's father at a religious meeting; never in his house, and knew nothing about his domestic affairs. He stated in his redirect examination that Mr. Sweat was the most foremost man in the county.

The witness stated that Abram Guiteau was a drinking man, whereupon the prisoner stated that he was the only Guiteau who ever drank. They were all high-toned folks.

The District Attorney inquired whether witness had ever heard of there being insanity in the Guiteau family before the assassination?

The Witness-No.

The Prisoner (to the District Attorney)—That would not have been, Colonel, if I could have got out of it. It is the only bad thing the family ever did.

The witness stated to Mr. Scoville that the smartest man in the county was M. P. Sweat, and Mr. Scoville was about to ask in what that smartness consisted, when he was interrupted by the prisoner, who resented Mr. Scoville's attempt to silence him with an angry, "Don't punch me under the table when I am talking. Sweat was an Oneida Community crank, and father got his fanaticism from him."

Subsequently he interrupted his counsel with the remark that he (Scoville) had got to abandon his theory; that was all there was about it.

The court then, at three P. M., adjourned.

CHAPTER XI.

The Insanity Plea.—Witnesses Contradicted.—Creditors of Guiteau believe him Sane.—His Cousin, Mrs. Wilson, of Leadville, on the Stand.—President Arthur's Answers to Mr. Scoville's Interrogatories.—How Guiteau Defrauded his Clients.—His Proposal to Imitate Wilkes Booth.

WHEN Guiteau entered the court room on Thursday, December the 8th, he appeared extremely nervous and his agitation was such as to attract the notice of those who were near him. As soon as he laid his bundle of newspapers on the table and his handcuffs were removed he exclaimed, "A crank in Chicago says I talked to him about this case. I don't know the man. It's false." Mr. Scoville said something to Guiteau, who took out his eyeglasses and fixed his attention on the witness, his cousin, Mrs. Julia M. Wilson, of Leadville. Mrs. Wilson is a middle-aged lady, of large features and has a coarse voice, distinct in speech and evidently not unaccustomed to elocutionary exercise. She appeared to be unusually intelligent, her utterances being distinct and her statements quite fluent. She recounted the character and good works of her dead mother, who had never exhibited any signs of either insanity or flightiness. "I was with her at the last moment, when she gave her last Christian testimony to her husband and children, and we promised to meet her," said Mrs. Wilson, in tremendous tones. There was unbroken silence during this recital, simple and womanlike in all its details. The witness could hardly conceal the emotions which the subject aroused. She stated that at present she lived at Leadville, but in the early years of her life had resided with her parents at Ann Arbor, Mich.; had a recollection of her uncles, Luther and Abram; her mother, Mrs. Julia Maynard, died in 1856; witness eulogized, with a quavering voice, her mother's character; the poor of Ann Arbor still remembered her for her good works; witness had been with her in her last hours and had never noticed a trace of flightiness in her conduct.

- Q. Do you recollect of Mrs. Davis and her son being there? A. I do not think it probable, because the physicians gave orders that she should not have company during the last few days.
- Q. Was it true that your mother complained of poverty and talked irrationally? Did you ever hear that? A. I did not.
- Q. Did you know Abby Maynard? A. She was my youngest sister.
- Q. What was her mental condition? A. She was considered the brightest child of the family for about nine or ten years; after that her condition changed very materially.
- Q. What was the occasion of that change? A. A Professor De Bonneville, one of the professed teachers of animal magnetism, clairvoyism, etc., came to Ann Arbor when she was about ten years old and formed a class there; they found Abby very susceptible to his influence, and she was made a fine illustration of the powers of that Frenchman; she came so under his influence that she would follow him anywhere and do whatever he wanted; she could be put

into a state of catalepsy, and would stay asleep in that position for hours, and when he left she would illustrate this work evening after evening; I could stop her half way up the street by pointing my finger at her back; my father could do the same thing; after that her mental powers seemed to take a change; she learned certain thing readily, yet she was incapable for usual work.

Q. Mr. Davis also says, "She wore a very large bonnet." A. If she did she was not responsible, as she did not select her own garments.

Q. "We used to call her foolish Abby." Was that true? A. It may possibly have been, I have heard of boys on the street saying that; he may have been one of the ill-mannered boys; I do not know who he is.

Q. Did you ever see anything irrational in your mother's conduct up to the hour of her death? A. I did not.

Q. In the deposition of Mr. Turner, of Dakota, he says that he was informed by Mr. Maynard that his wife died insane. Did you ever hear of that? A. I never heard of it.

Mr. Scoville objected to the answer, and, after a rather acrimonious discussion between the counsel, the Court ordered the answer to be stricken from the record.

While Judge Porter was earnestly arguing the point of law, now and then managing to get in an appeal to the jury, the prisoner broke in with "Hold your thunder, Judge, until you get to the jury. You are doing this business too much." Again, when Judge Porter referred to him as a criminal, the prisoner angrily interrupted, "I am not a criminal, and I object to the word until I am convicted; just hold your thunder on that point."

Q. Did you ever hear in your father's family during your mother's life, or after her death, that she was insane? A. No.

Witness then gave a description of her sister Abby's character, showing her to be imbecile rather than insane, or, as witness stated it, "a childish mind in an old body;" in none of the family had she ever seen any indication of insanity.

On cross-examination Mr. Scoville inquired whether witness had any prejudice against insanity being shown in the family. A. I may have in view of the influence on children and others, not on myself; if I thought I had a nervous child I should dislike to have them constantly feeling that they were subject to insanity.

Witness stated that her sister Abby was now in the State Asylum for the Insane.

In answer to a question by Mr. Scoville witness stated that her father had died insane.

As witness was about to leave the stand J. Wilson Guiteau rose and said:—"It may not be quite relevant, but I would like to call the attention of the Court to the question and answer in regard to William L. Maynard and have it ruled out as irrelevant. It has nothing to do with the case whether he had softening of the brain or anything else that I know. This record goes before the world, and while I have no sentiment on the question of insanity so far as the truth goes I object to lugging in things about persons that have no blood relationship to the prisoner."

The District Attorney—The only person about whom the defence could prove any insanity is Abby Maynard.

The Prisoner—How about Mrs. Parker?

The District Attorney-I was about to say that, Mr.

Guiteau. It is quite important that the jury should know, and that these gentlemen should know, that if there was any hereditary weakness of mind in Abby Maynard, it was more likely to come from the father than from the mother.

The Prisoner—That is not true in fact.

Mr. Scoville (leaning across the table and angrily addressing J. W. Guiteau)—You have got to keep quiet, and that's all about it.

The District Attorney—This is a delicate situation and a situation that has been forced upon us.

The Prisoner—Very delicate for your case. It will be still more delicate before you get through.

The District Attorney—It is much more probable that the existence of an unsound mind came from the father instead of the mother, but we do not propose to press that inquiry one step further.

The Prisoner—Mrs. Wilson seems to be a bright lady, but of course she is prejudiced against giving an idea of unsound mind in the family.

Mr. Scoville (angrily)—I have no inclination to suppress a single fact that is material. I am willing that the record should retain that evidence, but I do object, if I am to try this case for the defence, to Mr. J. Wilson Guiteau manifesting his desire to object to the proving insanity in this case.

"So do I," exclaimed the prisoner, violently, "he ought to go back to Boston."

"I do not propose," continued Mr. Scoville, "and I will not be hampered by his objections."

"I never knew anything about the man for years," eried the prisoner. "I never recognized him before for years. He has crawled into this case, trying to get some notoriety out of me. He had no business to open his head on this case. That is all I have to say to him. The mere fact that he happens to bear the same name that I do is all there is of brother between us. He is no brother in any possible sense of the word. He seems to be a very clever fellow for the last three or four weeks, and I am glad I got acquainted with him."

The Court directed Mr. J. W. Guiteau that he must not interrupt the proceedings.

The next witness was Mr. George C. Maynard, of Washington (the same gentleman from whom the prisoner borrowed the money and with which he bought the pistol and who has already testified in the case). He is a cousin to the last witness and knew her mother, Mrs. Maynard, very intimately for years; she was his aunt; she was a woman of intelligence and cultivation, decidedly strong in character, clear headed and even tempered and of very superior ability; he had never seen in her any indication of mental disturbance; he also knew Abby Maynard as a bright, intelligent, good tempered, amiable girl; she was timid and diffident, and appeared like a woman of thirty with the ways of a girl of eighteen; aside from that she was as smart as any of them; he also knew her father, who was a man of great prominence in Ann Arbor; he never knew any indication of weakness of mind in him.

At the close of this witness' examination Mr. John W. Guiteau, the prisoner's brother, rose to a personal explanation.

The Court intimated that there was no necessity for it.

The Prisoner (to his brother)—You have been vindicated, and that is all right. You are a first rate fellow.

Mr. John W. Guiteau-My father is dead, and-

Mr. Davidge—We have had enough of this.

The Prisoner.—There is no use in whining.

Mr: Davidge—Here is the prisoner interrupting the trial from time to time, and if that is to be supplemented by personal explanations on behalf of the kindred or of anybody who may feel aggrieved I fear that this trial will degenerate into a farce.

The Prisoner—I have just as much right to talk as you have. I am here as my own counsel.

The Court at noon took a recess for an hour, one of the jurors being indisposed.

After the recess Frank Bartlett, of Chicago, was called to the stand. Knew Mr. and Mrs. Scoville, and had a slight acquaintance with the prisoner.

The Prisoner—You met me at Mr. Scoville's summer resort in 1876; that's all you know about me. It cost the government \$200 to get this man down to testify to that. That is the way you are wasting the government money, Corkhill.

The witness stated that he knew the prisoner in 1878. The Prisoner—It was in 1878. You're right.

Q. Did you see anything in his conduct that would indicate that he was of unsound mind? A. Nothing whatever.

The Prisoner—What has that to do with the condition of my mind? From the middle of May till the 1st of July I had a chance to go crazy a hundred times. (Laughter.) That shows the very stupid work on the part of the prosecution. If you had to pay so much money, Corkhill, you wouldn't do this, but the taxpayers have got to do it.

The cross-examination elicited nothing new, except that the witness had never held extended conversations with the prisoner. Florence L. Bartlett, the wife of the last witness, then took the stand and was questioned as to the incident of Guiteau's throwing a dog down stairs. The testimony was unimportant and the spectators seemed to agree with the witness when she said her opinion was that "it was a good deal of talk about a very small matter;" witness never saw any conduct on the part of the prisoner which led her to believe that he was in the remotest degree insane.

The cross-examination failed to shake the witness' testimony, and the prisoner interjected the remark that "We've had enough of this dog business."

Howard C. Dunham, acting secretary of the American Peace Society, of Boston, then took the stand.

The Prisoner—I talked with this man in Boston two or three years ago about my book. That's all he knows about me.

Q. What were your opportunities for knowing the prisoner?

The Prisoner—He thought I was badly cranked about my book. That is what he thought about me. He thought that it was a literary curiosity at that time.

A. In November, 1879, the prisoner secured desk room in our office. After a few weeks he said that theology did not pay, and that he was after money. Witness did not see the prisoner after April, 1880. On the 9th of June, 1881, he received a letter from Guiteau.

The District Attorney asked witness to read that letter, but it was first handed to Mr. Scoville to peruse.

It is dated "Riggs House, Washington, D. C., June 8, 1881," and asks merely that Mr. Dunham forward to the prisoner a copy of his book "Truth" and states that he has been in politics since June, 1880.

Q. From your knowledge of his character, your observation of his conduct and from listening to his discussion on religious subjects, had you any suspicions that he was insane? A. I had not.

Cross-examination—May have told the prisoner that his book was a literary curiosity; there were certain unique and curious expressions in it.

The Prisoner—He said that sometime he would read the book carefully and possibly would be my first convert.

Redirect—John Wilson Guiteau had stated to witness in Boston about the first of November that there was not a well established case of insanity in the family.

The Prisoner (excitedly)—He is no expert. He has a miserable notion that it would be a disgrace to the Guiteau family to have it appear that this is an insane case. It is a very sickly position for him to take.

The District Attorney—Did he notice the only exception?

The Prisoner—I am the only exception.

The Witness—I think he said that he had an uncle who was intemperate; he also said that he regarded that a great crime had been committed, and that that was a sufficient reproach upon the family without adding the taint of insanity to it.

The Prisoner—That is just the sickly notion of the whole business.

Mr. Scoville—J. W. Guiteau said to you that this act——Judge Porter—Crime.

The Prisoner (angrily)—I object to your speaking of this matter as a crime or of me as a criminal until after you convict me. We've had enough of this assassination business.

Mr. Scoville—Did he say that he considered the act of his brother as a sufficient disgrace without having his family charged with hereditary insanity?

The Witness-He was apparently-

Mr. Scoville—Did he say substantially this—that he would rather see his brother hanged than have hereditary insanity proved?

The Witness-He did not.

The Prisoner—That's his idea. I want to repudiate his whole feeling on this question. He is no brother to me. He bears the same name, and that is all the connection I have with him. I didn't go to his house in Boston but once. I never recognized him as a brother. He is a good fellow. I like him better now than ever before.

The Witness—I think he said afterward that his opinion had been somewhat modified and that he had come to think that his brother might be insane.

The Prisoner—Supposing he did or did not; what has that got to do with this case?

The Witness—What Mr. Guiteau said was that there was no well-authenticated case of insanity that could be proved.

The Prisoner—That is false. It has been shown that two of my cousins are in a lunatic asylum. Probably I will be there soon.

The District Attorney here sent up to Judge Cox a communication received by him from the President of the United States. The Judge, after reading it, sent it down to Mr. Scoville, with the remark that the paper contained the President's answers to his (Scoville's) interrogatories.

The Prisoner—I had sent the President a note this afternoon requesting him not to appear in this case, and

saying that I did not want his answers to the interrogatories.

I presume he sent them before he got my note.

The next witness was John Palmer, proprietor of the Circular Street House, Saratoga Springs. The substance of his testimony was that the prisoner spent a week at his house in July, 1880, and left without paying his bill.

The Prisoner—That is all that he knows about me; I presume that it has cost the government \$100 to prove that point; it is a great waste of public money; I went to Saratoga to deliver a lecture, and as usual I did not draw and got out of money.

Mr. Scoville read to the Court the answers of President Arthur to the interrogatories. To the first and second questions, whether he knew the prisoner, and how often he had seen him, the President replied that he knows him, that he has seen him at least ten times, and possibly twenty times. To the question as to whether he had ever conversed with him he replied, "Never, except to return the ordinary salutations of the day, and once or twice in answer to his request to be employed in the campaign as a speaker by the Republican State Committee, of which I was chairman." To the question what political services the prisoner had rendered to the Republican party during the last Presidential campaign, the answer is, "None, that I know of." The fifth question was-"Whether there was anything in the prisoner's relations to himself or to General Grant or to Senator Conkling or any other leader of the Republican party, socially or politically, to furnish him with any ground for supposing that he would receive any political preferment." The answer is "No."

The Prisoner—That is a matter of opinion.

The last question was-"Did you ever give him any

reason to think he could have any political or personal influence with you?" The answer is, "I never did."

The Prisoner—He never had occasion to.

The President adds to his answers the following: "I have been requested by counsel for the defence to produce a letter written by the prisoner since his indictment. That letter was received by me in October last, and was not preserved. I do not recollect its contents particularly, excepting that it contained some claim of his having rendered some important services to the Republican party during the Presidential campaign, and an appeal for the postponement of his trial to give him time to prepare for his defence."

The Prisoner—That is all that there was to it.

The next witness was Rev. R. S. MacArthur, pastor of the Calvary Baptist Church of New York. As soon as he was sworn the prisoner remarked: "I know Dr. MacArthur very well. He is a nice, fine fellow-very high-toned in every way. I owe him \$95." In answer to the question when, where, and under what circumstances he had known the prisoner, the witness said: "In the latter part of June or the early part of July, 1872, the prisoner introduced himself and his wife to me at the close of one of the Sunday morning services; he presented at the same time a letter of dismission from the First Baptist Church, of Chicago, of which Rev. W. W. Evarts was then pastor; this letter dismissed him and his wife honorably from that church and recommended them heartily to the watchful care and fellowship of the Calvary Baptist Church, of which I was then and am now pastor; with the letter was also his business card-Charles J. Guiteau, Attorney and Counsellor at Law, at such a number, Broadway; he stated to me at that

time that in Chicago he had a lucrative practice of law, but that owing to the disasters following the fire his practice had entirely or in good part gone, and that now he and his wife had come to New York to start life afresh; he was gentlemanly in his manner, and was neatly, I might say elegantly, dressed; his deportment, if not specially prepossessing, was certainly not noticeably unprepossessing; my heart went out to him kindly; he and his wife had struggled with adverse fortune and had to come to try life over again in the great city of New York; I received him with cordiality; I think I may say that the church of which I have the honor to be pastor has a reputation for treating strangers cordially, and for extending help toward the worthy; I introduced him and his wife to men of prominence in society and in church relations, and know that I was of service to him; the letter which he brought was referred, as our custom is, to a committee; the chairman of that committee was a gentleman of very high standing, at one time an Indian Commissioner under the United States government, and who took an interest-

Here the witness was interrupted by Mr. Scoville, who remarked that all this was very interesting, but entirely irrelevant. He did not want this whole history.

The District Attorney—But I do want the whole history connected with the prisoner.

The Prisoner—It is all interesting and important. Dr. MacArthur was a very nice gentleman. I owe him \$95, and I am sorry I cannot pay him now. Then addressing the witness, he said: Allow me to say, Doctor, that there is some possibility of my getting \$5,000 from the Herald for that disability matter, and I propose to send you a check for \$125 the moment I get it.

Mr. Scoville remarked that he objected to the witness stating the qualifications of some chairman of a committee, not knowing how far he might go in that history.

The Prisoner—Dr. MacArthur is an orator, as you may see by the way he talks.—(Laughter.)

The Witness-I was simply about to say that this gentleman, after an interview with the prisoner and his wife, heartily recommended them to the fellowship of the church; owing to the fact that the church was closed during a portion of the summer, we were not able to act on the letter, but at our first regular business meeting, in September, 1872, the prisoner and his wife were received into the fellowship of our church; in the meantime I had been of some service to him, introducing him to some gentlemen of the legal profession and to other gentlemen of some standing; his wife came to me one Saturday, late in July or early in August, with a letter from her husband stating he was in great distress for money; I have looked for the letter, but have not found it; it stated that a case was then in court on which a decision was expected on the following Monday, and that a large fee would be received and the money returned; the letter enclosed a promissory note to me, the amount being \$100.

Mr. Scoville-Have you got that promissory note?

The Witness—No; I did not think it negotiable and have not preserved it (a laugh); the money was most urgently asked for by the wife; they were to be turned out on the sidewalk if the money were not given; when my heart goes out kindly toward a man believed to be worthy, my hand goes out in helpfulness, and so I gave the money; afterward letters were received from the prisoner expressing the regret that he could not pay me as promised, and so the

time passed on; that fall we were entering on a political campaign; during the early part of the fall the prisoner used to attend our meetings and to participate in our prayers and remarks; he was always welcome; there was nothing noticeable either in the direction of superior excellence or in the direction of peculiar unfitness in his remarks; he received that hearty welcome which a kind-hearted church would extend to a man believed to be worthy; during this campaign he was not seen at our meetings so often, and the reason assigned by him was (using the phrase which he used) that he had gone to some degree into politics and that he expected an office as the result of these political excitements.

The Prisoner—I took some interest in Horace Greeley in 1872.

The District Attorney—Do you recollect the office that he expected?

The Prisoner—I did not expect any office at that time, Colonel.

The Witness—My impression is that the office was Minister to Chili.

The Prisoner—Nothing of the kind. I think it possible I may have mentioned to you the Swiss mission. It was that which I had in my mind at that time. I never had any idea of the Chilean mission. I think I had some idea that if Horace Greeley were elected he would let me have the Swiss mission. It is only a small affair any way—only \$5,000 a year. (Laughter.)

The Witness—During the year 1872 and the early part of 1873 we saw him at the meetings less frequently; now and then there were remarks made in newspapers reflecting somewhat on his character in the management of

some business affairs, but in conversation with me he gave what he deemed a satisfactory explanation, and there seemed to be no sure ground on which proceedings of discipline could be instituted against him, and so the matter went along until the spring of 1875.

The Prisoner (addressing the witness)—You remember, Doctor, that that trouble with the *Herald* was in April, 1874, and that this conversation with me was in the fall of 1874. At that time I had got pretty badly run down on account of the *Herald* disability. I told you about it and you sympathized with me about it, as you always did, in a very kind way.

The Witness (without noticing the interruption)—I remember that he was arrested and thrown into Jefferson Market jail because of some difficulty with a hotel, and that from the jail he wrote to me, saying that I was the only one to whom he could apply and that he was absolutely helpless; I put myself out very considerably to go to the jail and see him; I saw the Judge, and the Judge kindly offered to attach importance to any suggestion that I might make to him; I informed him, however, that I wished the law to take its course; I then saw the prisoner in the corridor of the jail, and although besought very piteously by him to intercede in his behalf and to procure bail for him if possible, I shut out the natural promptings of my heart, and told him that I feared he was a bad man and that he must allow the law to take its course; I saw him led away by the proper officer and go into the cell; in the meantime it came to the knowledge of the officers of the church that he had been guilty of gross immorality.

The Prisoner—That was the time that I committed adultery so that I might get a divorce. That was all there

was in it. I was not going to live all my life with a woman I did not like. I had no business to marry her at all.

The Witness (still ignoring the interruption)—And about the 13th of April, 1875, he was summoned to appear before the Advisory Committee to answer to the charge of gross immorality; I was chairman of that committee; there were three counts to the charge; the first was that he took money which his wife earned by working in a hotel in the country, and which was remitted to him to assist in supporting him.

The Prisoner (interrupting)—That is absolutely false, Doctor. I never heard that story before.

The Witness (still ignoring the interruption)—And spent it in improper relations with other women.

The Prisoner (with excitement)—That is absolutely false. If my wife told you that she told you a lie.

The Witness (continuing his narrative)—The second and third counts charged that he had been guilty, by frequent acts, of violation of his marriage vows.

The Prisoner (again breaking in)—I only married that woman on ten hours' notice, and that is reason enough why I could not live with her.

The Witness—Those charges were recited to the prisoner by myself in the presence of the committee.

The Prisoner—That is erroneous. I beg to differ from you.

The Court (severely)—Keep quiet. Let the witness go on.

The District Attorney (to the witness)—Pay no attention to him.

The Witness—I recited those charges to the prisoner, and he acknowledged the truth of every one of them; he was pressed to know whether he felt a sense of guilt; whether there was any consciousness of remorse, or repentance for the past, or any promise of reformation for the future; the church was disposed to deal fairly; the gentlemen on that committee were gentlemen who were above anything like unfairness toward any person.

The Prisoner (in spite of all Mr. Scoville's efforts to repress him)—I remember this. I take back my contradiction to what the doctor said, because upon thinking it over I find it is correct. The men on that committee said that they had been in the same boat themselves, and for that reason they felt sympathetic. They thought that if a man had been unfortunately married he had a right to get out of it.

Mr. Scoville—I have not objected to any testimony in this case if it seemed to have any bearing whatever on the guilt or innocence of the prisoner. I have permitted this witness to state things clearly irrelevant and entirely inadmissible. The witness seems to be a very willing one, and answers a great deal more than he is asked, but now he is going on to state the conclusions of a committee acting in a judicial capacity, who never were sworn, never were authorized by law to act in such a capacity and to give them the force and effect of a court of record. I object to this testimony.

The Court sustained the objection.

The Prisoner (excitedly)—I never had but one interview with him (alluding to the witness); I recall it now; I was formally excommunicated, and let the whole thing go by default because I was in Chicago.

The District Attorney—The defence has endeavored to show by sporadic acts that this man was insane; we are showing his conduct to rebut.

"I have been strictly virtuous for six or seven years," interrupted the prisoner. "Mark that down. You are picking up my whole record from infancy, and I say it is an outrage on decency."

The District Attorney—We present this testimony because we want to show that what the defence calls insanity is nothing more than devilish deprayity.

It was with some difficulty that the applause which greeted this remark could be quelled. The marshal then, in order to make an example, led out of the court room a lad who had been particularly noisy, and the Court stated that upon any recurrence of the applause he would order the room cleared.

When order had been secured the witness proceeded: There was at that time on the part of the prisoner no evidence of repentance for the past or—

Mr. Scoville objected, and the prisoner reminded the witness that "this is not a prayer-meeting."

The Witness—There was very great solicitude when the Church proceeded against him.

The Prisoner—I didn't care a snap about it.

Mr. Scoville (impatiently)—I shall not permit the witness to go on with any more declamation if I can prevent it.

The Witness—The prisoner applied to me in that room to use my influence with, the committee not to proceed against him, and not to exclude him from the church, because such exclusion would injure him in his business relations and professional position.

The Prisoner—This happened after I was played out in New York on account of the Herald publication.

The Witness (continuing)—My reply to that was that we should do fairly to him, but for other considerations

than those he named; he was cited to appear before the church at the next regular meeting, on April 23d, 1875; he failed to respond; the motion was put by myself, after asking whether he was present to answer.

Mr. Scoville—You need not tell what was done if he was not present.

The District Attorney—We have a right to show he was expelled.

The Court-No.

- Q. Has he any relations with your church now? A. No.
- Q. Did he have after that meeting? A. No.
- Q. Did he retire creditably?

Mr. Scoville objected. Objection sustained.

The Prisoner—If I had been happily married, this whole trouble would not have occurred. The reason I was not virtuous was because I was unhappily married. I want to thunder that to the civilized world.

The District Attorney (to the witness)—From your observation and from your conversations with him, did you ever consider him in any sense an insane man?

The Prisoner—I have not known anything about the Doctor since 1874. It has no possible bearing on this question, and it is a great piece of impertinence for the prosecution to drag this in.

The Witness—It never occurred to me for a moment that he was other than sane.

The Prisoner—You thought I was totally depraved because I owed you \$95 and could not pay you. Pretty good theology; wasn't it, Doctor?

Mr. Scoville then proceeded with the cross-examination, questioning the witness more especially as to the fact of his receiving the promissory note for \$100 from Guiteau. The

prisoner throughout the examination on this point kept up a running discussion with witness, counsel and Court. The Court repeatedly ordered him to be quiet, and to allow the witness to speak, but he continued in his denunciation of the prosecution for its "impertinence in raking up my record." Mr. Scoville also became indignant and angry at the prisoner's outbreaks, which prevented him finishing his questions, and several times declared to him, "I will clear out if you don't stop. You must be still. You must be still." But neither Court nor counsel could repress the prisoner, who had been nervous and excited all day, and he continued to the adjournment in his running comments upon the witness' veracity.

When the cross-examination was closed, the prisoner, looking up at the clock, announced that it was three o'clock and time to go home. He also inquired: "How many more witnesses like that have you got, Corkhill? I think it is an outrage on the public. If you had to pay some of that money yourself, you would go slow."

The Court then adjourned.

Dr. MacArthur will be upon the stand to-morrow for re-direct examination.

On Friday, the 9th day of December, the court was called to order a few minutes past ten o'clock.

The prisoner, as usual, when the handcuffs were removed, addressed the Court. He, however, got no further than "If the Court please," when he was stopped by Mr. Scoville. Turning to his counsel he said, "Do it yourself, then. If you don't I will."

Rev. Dr. MacArthur, of New York, was then recalled to the stand, and the District Attorney was about to propound a question when Mr. Scoville, interrupting him, said: "In the testimony of this witness yesterday he was so free to talk, not understanding the rules of evidence. and I, not knowing what he was about to say, that there was a good deal said by him that was not admissible. It ought to be excluded on the principle that if a man is indicted for one offence it is not proper to give evidence of another. When the defence is insanity, as it is in this case, it is not competent to give evidence as to acts which have no relation whatever to the condition of his mind. This witness volunteers statements which have no connection whatever to the condition of his mind, but are calculated to prejudice the jury against him on account of something else entirely disconnected with the case. I move to exclude the testimony of this witness on those matters which have no bearing on the case. He volunteered statements as to charges brought against this man by the church. I move to exclude all evidence as to those charges."

The Prisoner—It was purely in the nature of a confession, and it is entirely erroneous for Mr. MacArthur to tell this public and the American people now what I told him privately some six or seven years ago. I want the ruling of the Court on this, and I will take exception to it if necessary.

The District Attorney—Mr. MacArthur detailed to the jury the opportunities he had to observe this man's conduct, very properly, so as to know how much weight to give to the evidence of the sanity or insanity of the prisoner.

The Court—Under general circumstances I think that Mr. Scoville's objection would be a sound one—that is, that when a man is tried for one offence testimony cannot be given as to another; but the defence has gone into the

prisoner's life to show his mental infirmities. In rebuttal the prosecution proposes to show that it was not mental infirmity but moral obtuseness and deprayity. I think that that is an answer to the defence. The Court, therefore, overruled the objection and permitted the testimony to stand.

The Prisoner—I have been strictly virtuous for the last six or seven years, I say that will wipe out Mr. MacArthur's testimony here, I want to thunder it to the world, so far as moral depravity is concerned, that is all nonsense (after a pause)—I want to say further that I owe about \$2,000—\$150 in Washington, \$150 in Boston, \$200 in New York and \$200 or so in Chicago.

The Court (severely)—It is not necessary to speak of that again.

The Prisoner—Here this little Republican comes out with some stuff called "Guiteau's rascality." That is the man that did it (pointing to a reporter). If he does it any more I will try and see Gorham about it. You are too fresh in your opinion, my friend. I will go slow on you.

The redirect examination was then resumed. The witness stated that in the various conversations he had with the prisoner he did not see any indications of an unsound mind; that the amount of money asked for in Guiteau's letter and mentioned in the promissory note was \$100, but by recollection over it he was inclined to believe the amount actually paid was \$95; it was given in three instalments, and he had to put himself about very considerably to get it at all.

The Prisoner—And I appreciate it. You are a good fellow. You drew the money out of your salary. I am sorry I can't pay the money; but I gave you my note, payable on demand.

The District Attorney rose to stop the prisoner, who again broke forth, "If your record was dug up, Colonel, it would stink worse than mine. I understand you are booked for removal. You had better go slow. The President is only waiting to get this thing off his mind before you get your ticket of leave. I want the absolute truth about this."

The Court—Keep quiet and let the truth come out by degrees.

The witness had very few interviews with him alone, except those he named; had conversations with him on the subject of religion in the vestibule of the church, perhaps half a dozen times.

The witness identified, at the District Attorney's request, the minutes of the meetings of his church, together with the rules of faith and order followed by its members, also a volume of church letters received from other churches.

The next witness was W. S. Caldwell, of Freeport, Ill., physician. He attended the prisoner's father in his last illness; he noticed in him no indications of unsoundness of mind; for a few days prior to his death he had some wild incoherency, and after that stupor, but that was caused by poisoning of his blood, resulting from inaction of the liver.

The next witness was George W. Plummer, of Chicago, lawyer. As soon as he was called the prisoner blurted out, I owe Plummer \$20, and it will cost the government \$100 to prove that fact. (To the District Attorney)—How many more of those money men have you got, Colonel? Public attention should be called to the way you are spending the public money. You'll make this trial cost \$200,000.

The witness stated the prisoner had obtained desk-room in his office in Chicago, and had got out some business

cards, on which he described himself as "late of New York city," and seemed to admire them very much.

The Prisoner—That showed I was cranked.

The District Attorney—Had you any financial dealings with him?

The Prisoner—I owe him \$20.

The witness went on to speak of the *Inter-Ocean* negotiations, which the witness did not think at all irrational considering the first class men whom the prisoner mentioned as backing him.

The Prisoner—I had the brains and they had the money. The next witness was Granville P. Hawes, one of the judges of the Marine Court of New York. He testified to the fact that the prisoner in 1874 occupied a desk in the outer room of his office, and said that he had never noticed anything in him indicating that he was a man of unsound mind.

The next witness was Mr. Stephen English, of New York, editor and proprietor of the Insurance Times. He detailed the circumstances connected with the prisoner's procuring bail for him while he was in Ludlow Street Jail on a charge of libel. He was interrupted at every step of his narrative by the prisoner ejaculating, "That is not true," "Confine yourself to the facts, English;" "He got me arrested by actual perjury," "That is absolutely false; I can convict you that you are lying; there is not an insurance president in New York who does not know that you are a first class fraud;" "That is the biggest lie you have spoken; why, I would not spit upon you in the street, you old scoundrel; the insurance presidents in New York would not believe you under oath, you old fraud." In reply to the question whether he had any doubt as to the sanity of the

prisoner the witness said:—"Never; on the contrary he appeared to be a man of remarkable keenness of intellect, because he completely outwitted me." (Laughter.) "He was a shrewd, active, intelligent lawyer."

The Prisoner—He had half a dozen lawyers trying to get him out, and they failed. I was the only man who dragged him out of that hole. They all understood his knavery and trickery.

Afterward the prisoner said, addressing the witness:—
"You were in jail for a wicked and deliberate libel, and you ought to be there to-day."

The next witness was Warren C. Brown, of New York, lawyer. He became acquainted with the prisoner from the fact of being retained in December, 1873, by his wife to get a divorce from him; in conversation on the subject he seemed to be perfectly rational and to treat the matter as most people would do under the same circumstances.

The next witness was Thomas Darlington, of New York, lawyer. He had acted for Stephen English in perfecting his bail and in procuring from the Court of Common Pleas an order for the arrest of the prisoner for cheating English.

The District Attorney, in reply to an objection to the testimony, stated that the object was to show the prisoner's capacity.

The afternoon proceedings were opened by the prisoner, who, addressing himself to the District Attorney, asked, "How many more witnesses have you got, Colonel? Can you give us any idea?" "No," replied the District Attorney, "No definite idea."

Mr. Corkhill proceeded to read in evidence some of the legal papers in the case of English and Guiteau. After the reading of one of them the prisoner exclaimed, "That is a

square transaction, Colonel. That knocks your 'total depravity' theory on the head."

Charles H. Wehle, a lawyer of New York city, was then called to the stand. He was acquainted with the prisoner and had first met him in 1873; saw him twice, once in prisoner's office, once in his own; on those occasions the purpose was to get money from him which he had collected from witness' client and not paid over. "That is not true," was the prisoner's comment, and Mr. Scoville objected to the evidence and it was stricken out.

Witness presented a book showing the contract which he had with Guiteau to collect money and read a number of claims which were to be collected for Mr. Emil Haas one of witness' clients. When he concluded the prisoner declared that he would not give ten cents a bushel for all the claims, and demanded to know the amount of claims which he had collected.

The Witness—The items collected amount to \$585.12.

The Prisoner (excitedly)—Do you claim that I collected those claims? Is that your business, Mr. whatever your name is?

The Witness (not noticing the interruption)—My client wanted me to see whether or not I could get the money for him.

The Prisoner—I wanted you to pay me \$100 and take those things off my hands. That was eight years ago. You would not pay the \$100 and I would not deliver them up.

The Witness—In the first conversation he said that he had collected them.

The Prisoner (violently)—That is false, and I want your proof or I will denounce you as a liar here in public.

The Witness (continuing)—I told him that he must be aware of the fact that he was liable to arrest; he said he was aware of it, and that it would trouble him, but that he could get bail.

The Prisoner—I never said anything of the kind. The only conversation I had with you was when I wanted you to give me \$100 and take the notes and all that stuff.

The Witness—I told him I would be sorry to proceed against him.

"Why didn't you proceed against me?" interrupted the prisoner. "That shows that you are lying; to make it short."

The District Attorney—Was that the substance of the conversation at that interview?

The Witness—Before it ended I told him he had better consider whether he could do anything.

The Prisoner—I didn't want to do anything.

The Witness—I told him that he was likely to be thrown over the bar for not paying money he had collected; he said that he would dislike that, but in case of that he would go back to Chicago.

The Prisoner—That is absolutely false.

The Witness—I told him he had better make some kind of settlement with my client; he said that he would, and that he would call upon me in a week; he did call at my office.

The Prisoner (violently)—I want to ask you now where are those notes?

The Witness—I went over the ground again and told him we should obliged to resort to legal measures; he said he could not pay the notes because he had not the money.

"You produce those notes now," cried the prisoner, "and they will show whether you are lying or I am."

Mr. Scoville objected to the testimony.

Objection overruled and exception taken.

The District Attorney—From those interviews with him was there anything in his actions or conversations to indicate that he was a man of unsound mind?

The Witness—Nothing; on the contrary, I considered him very sharp and keen, and as rational as you or I.

The Prisoner—That was eight years ago. It has a great deal to do with this case, hasn't it, Colonel? (in an ironical tone to the District Attorney.) You produce those notes (he shouted wildly to the witness) or else get off that stand a disgraced man. If you come to slobber over me you must produce those notes, or you show yourself a liar." To his sister (Mrs. Scoville), who was endeavoring to restrain him: "You keep quiet and mind your own business. I don't want any more talk from you in this case. It makes me mad," he continued, violently, "to think that the prosecution should attempt to ruin my professional character when they know it is a lie. It is a shame that these men (Corkhill and Porter) should slobber over my character. They have been digging up my professional record and they haven't found anything against me yet, and they can't. I was straight in the law business, and I want the American people to understand it. The only thing against me is that I owe some board bills, and that I committed adultery in order to get rid of my wife."

The Court (sternly)—That will do.

The Prisoner—I have got through now. I have made my final speech on this matter. It is a disgrace for Corkhill to bring in this evidence. The prisoner, while he was delivering this tirade, was apparently under the control of a violent passion. His conduct toward his sister was such that Mr. Scoville was obliged to make her change seats with the prisoner in order that he might get as close as possible to him and try to repress his violence.

Cross-examination—Did you ever have any conversation with the prisoner on the subject of religion? A. No.

No (echoed the prisoner, contemptuously); he is a Jew, and a dirty one at that.

Q. How did you come to be subpænaed? A. I was not subpænaed; I came on a telegram from Colonel Corkhill.

Q. How did the prosecution happen to know of you?

The Prisoner—Colonel Corkhill had detectives all over New York boring into my record. That's the way he does business.

- A. I wrote to Judge Porter about a fortnight ago.
- Q. You wanted to get on as a witness? A. I wrote to Judge Porter that I knew that fact, and if it were——

Mr. Scoville—Wait a minute. Why did you write to Judge Porter?

The Witness—Because I thought it was a public duty on any one who knew anything of the case to divulge it. (Applause.)

The Prisoner (contemptuously)—You didn't know any-

thing about it, you miserable Jew.

Q. You thought it your duty, if you knew anything against this prisoner in regard to a business eight years ago to let the prosecution know about it? A. Anything, whether it is eight years ago or at any time, I thought it my duty to let the prosecution know of it.

The Prisoner—You make yourself too busy about this matter.

Q. Have you expressed the opinion that this man ought to be hung? A. Not yet. (Laughter.)

Q. Have you expressed any opinion about it? A. Yes, frequently.

Q. Did the interests of justice require you to come here?

Q. For the purpose of convicting the prisoner? A. For the purpose of having justice done to him.

The Prisoner—You had no business to get on the case in any shape; I know nothing about you, and care nothing about you.

The next witness was Benjamin Harrison, United States Senator from Indiana. He testified that he had met the prisoner a few times in Washington last spring; some time after the inauguration of President Garfield the prisoner called to see him at the Riggs House, and sent him several copies of the speech "Garfield vs. Hancock;" he saw him several times in the office or reading-room of the Riggs House in the course of six weeks and had several brief conversations with him; the prisoner applied to the witness for some assistance in connection with his application for office; the witness responded that he was already overloaded with similar applications from his own State and could not interfere in his behalf; in several other conversations the prisoner spoke about the deadlock to the Senate and said that his name had not vet been sent to the Senate, but that he thought it would be as soon as the deadlock was broken; witness saw nothing in the conduct or conversation of the prisoner that raised in his mind any question of the man's sanity.

The Prisoner—You are a good fellow, Senator. I remember you very well. Our conversations were generally social.

The next witness was Isaac F. Lloyd, of New York,

Secretary of the Mutual Life Insurance Company. He presented applications for insurance, four from John W. Guiteau, two from the prisoner and one from the prisoner's father, the point being that those applications contained negative answers to the question whether there was insanity in the family. Objection being made by Mr. Scoville, the applications of John W. Guiteau were excluded and those of the prisoner's admitted.

The next witness was Walter R. Gillette, of New York, physician and medical examiner to the Mutual Life Insurance Company. He testified that the prisoner came to his office in the fall of 1880, introduced himself by name, and said that he was a lawyer by profession; that he had some leisure time which he proposed to devote to the soliciting of life insurance, and that he wanted to make the acquaintance of the witness as an officer of the company; witness saw nothing in him to indicate him a man of unsound mind.

The next witness was Charles H. Raymond, General Agent of the Mutual Life Insurance Company of New York. The prisoner called upon him in September, 1880, and told him that he was about to engage in soliciting applications for insurance, and in the course of the winter he brought in six applications; he borrowed \$30 from the witness.

The Prisoner—I ask the prosecution, with the utmost solemnity, what this kind of evidence has to do with the issue in this case, which is, whether the Deity inspired me to shoot the President on the 2d of July. I want you gentlemen of the prosecution to ponder over that, and show the connection if you can.

The next witness was Dr. McLean Shaw, of New York,

lawyer. As he stepped to the witness-stand the prisoner exclaimed—"I have not seen Shaw since 1874. He is a good fellow. I officed with him for several months. I owe him \$50 for office rent (to the District Attorney). That is a very important part of your evidence, Colonel."

The witness testified as to the prisoner renting an office room from him at No 59 Liberty street in 1872; the prisoner told him that he had been practising law in Chicago, where he had lost his library and everything in the fire; that he was a member of the church, and had letters of commendation from the church in Chicago; that he had joined the Young Men's Christian Association and had the honor of an acquaintance with General Jones and others. Witness did not approve of the way that he did business, and asked him to get an office elsewhere. Witness related the incident of the prisoner burnishing up an oroide watch, and saying that he was going to fix up somebody with it. (Objected to, and objection overruled.) The prisoner went out, and came back shortly afterward in great glee, saying that he had struck a Jew for \$25 on the watch. Witness asked him how he did it, and the prisoner related how he went into a pawnbroker's office, handed the pawnbroker his business card and told him that he was a little short of money to-day, and wanted him to advance some money on his watch. The Jew asked him how much he wanted, and he said: "Well, \$25 will do me to-day." The Jew took the watch and gave him the money. Witness said: "I think you would be ashamed to do that. He has got your card, and will come back on you." "Oh, no," said the prisoner; "I took my eard back again."

The Prisoner—The fact is that the watch was worth \$50, so you are short in-your story, Shaw.

Mr. Scoville asked that his exception be noted to the admission of this testimony.

The District Attorney-Did the prisoner say anything about getting any money from Dr. MacArthur?

The Witness—He said he was going to get some money from Dr. MacArthur, and he mentioned \$100; I advised him not to, and told him he ought not to borrow money from his friends unless he was going to pay it back; "Well," said he, "I must have the money anyway."

The Prisoner—I owed Shaw \$50 for office rent, and he could not see any good in me after that. He is a man who likes money too well.

The District Attorney—Did the prisoner say in substance that he intended to become notorious before he died?

The Witness-He did.

Mr. Scoville objected to the question and answer.

The Prisoner-I never said so and I never thought so.

The Court sustained the objection.

The District Attorney—State any conversation that you had with the prisoner bearing on his intentions in life.

The Prisoner—He did not know anything about my intentions in life.

The Witness—From the first time that I knew him I knew that he was vain and egotistical, and that he had a great desire for publicity.

The Prisoner—That is false. I got along with Shaw first rate for six or eight months, but after that I began to go behind in my rent for six months, and he began to prick up his ears at that. He is very fond of money. That is his reputation. If you owe him \$10 he will dog the life out of you. After I owed him \$50 he thought I was an awful wretch.

The Witness—He said to me once that he was bound to be notorious before he died.

The Prisoner—I never said so.

The Witness—I asked him what he meant by that, and he said that if he could not get notoriety for good he would get it for evil.

The Prisoner—That is false.

The Witness—Of course that surprised me, and I asked him what he meant. He said he would shoot some of our big men.

The Prisoner—That is a lie. I never thought so, and never said so.

Mr. Scoville—I want it distinctly understood that all this evidence is excepted to.

The Witness—He said he would imitate Wilkes Booth.

The Prisoner—That is a lie.

The Witness—Said I, "And get hanged for it?" "Well," said he, "that is an after consideration." I did not carry that conversation any further.

The Prisoner—I have not known anything about this man Shaw for about eight years; but when he repeats this kind of testimony I say to him, "You are a liar; a low, dirty liar." I never had that kind of conversation with you in my life, and you know it. You claim to be a good churchman, too. That story is a falsehood from beginning to end, and you are a sneaking liar. That is my opinion of you. I will publish you all over the world, and when you go back to New York you will be the laughing stock of all your friends. I never thought so and I never said so. I would like you to state all about it in detail. If you cannot do that you stand condemned as a liar.

The District Attorney—Have you given the whole conversation on that occasion?

The Witness—So far as I recollect.

The District Attorney—Where did that conversation occur in which he said he intended to imitate Wilkes Booth and to become notorious?

The Witness-In my office; of course I cannot fix the date.

The Prisoner (snarling at the witness)—No, of course you cannot fix the date, you miserable, lying whelp. I never said so and never thought so.

The Witness—The moment I heard of the shooting of President Garfield——

Mr. Scoville (interrupting)—Wait, sir. How long have you been a lawyer?

The Prisoner—He is no lawyer; he is a pettifogger. He gets a man about New York to do all his jury business. He has not got brains enough to try a case before a jury. Patterson used to do all his jury business. Shaw used to lie around and get Patterson to try all his jury cases, because he had not brains enough to do it himself.

The District Attorney—From your observation of the man and from your conversation with him had you any question but that he was a sane man?

The Witness-I never had any doubt of his sanity.

The District Attorney—How did you regard him mentally?

The Witness—I did not think much of him mentally at that time.

The Prisoner (continuing to rail at the witness)—Not after I owed you \$50. After that you could see no good in me. I have heard of you running with women. My wife told me once in Chicago that you went and visited her. I am going to show you up, you wretch. You are a

low, dirty-lived puppy, to come here and lie about me in that way.

The Court (severely to the prisoner)—Silence!

The Prisoner—He had no right to come here and lie about me. That would make anybody mad. The lying whelp.

The District Attorney—After the prisoner gets through I will go on.

The Prisoner—I never had any talk about Wilkes Booth. The whole thing is absolutely false from beginning to end.

The District Attorney—What was his reply to your remark as to his being hanged?

The Witness—He said that would be an after consideration, and that he would get notoriety anyhow.

The Prisoner—I do not care a snap about notoriety. I have told you three or four times that you lie. That settles you. I will not condescend to notice you again.

The District Attorney—In your conversation with him about the watch did he say anything to you about his being bound to get a living?

The Witness—Yes, he said that he was bound to get a living anyhow, that the world owed him a living and he would get it. I am not sure whether that conversation was in regard to the watch or in regard to his borrowing money from Dr. MacArthur.

The Prisoner—I never mentioned Dr. MacArthur's name to you in any shape or manner.

Q. After he borrowed money from Dr. MacArthur did he make any remark to you about that? A. I remember his saying something about that.

Q. Did he say that he had "cheated the dominie?" A. No, I think not.

Q. Do you remember whether he did not say, when he said he would imitate Wilkes Booth, that he did not care if he was hanged, that his name would go throughout the world?

Objected to and objection sustained on the ground that it was too leading.

The Prisoner (furiously)—That is the most brazen-faced lie I ever heard in my life. I will tell you what kind of a man Shaw is. There was Judge Hawes, of New York; I went to his office on Shaw's recommendation and I will ask Judge Hawes that very question.

Cross-examination:-

Q. When did this conversation about shooting some one occur? A. I cannot fix the date; it was in the fall of 1872, I should think.

The Prisoner—At that time I was officing with Judge Hawes. That shows you are lying.

- Q. Where? A. In my office, No. 59 Liberty Street.
- Q. How long after Guiteau came to your office? A. He came the 1st of November, 1871, and stayed until May, 1873.
- Q. What occurred after that conversation until May, 1873, between you and him that led you to desire that he should leave your office? A. One reason was that he did not pay his rent.
- Q. Was not that the principal reason? A. No; the principal reason was that he had clients coming there to demand money of which they said he had defrauded them.
- Q. Is it quite true that you gave him a recommendation to Judge Hawes? A. I do not think that I did.

The Prisoner—That shows you are a liar. That's all I want to prove.

Q. Do you know where he went after May?

The Prisoner—I went to Hawes' office on your recommendation. This is the most extraordinary statement I ever heard from any man in my life. I always supposed you were my friend at that time, but you have showed yourself to be a consummate jackass and a liar and villain in every way. I want to get this straight before the country. It is going all over the world.

Scoville (angrily)—I would like an opportunity to cross-examine the witness.

The Prisoner—I can examine him in two or three words better than you in half an hour.

Q. Who was the first person to whom you related this conversation? A. I don't recollect stating it to anybody until after the assassination.

The Prisoner—You kept it to yourself. That shows you are a liar, you whelp you.

Q. You did not think of it in your mind up to the time that President Garfield was shot? A. I did not.

Q. Whom did you first inform of it? A. Some of my friends and associates.

The Prisoner—I just want to state about Shaw; that I went from his office to Judge Hawes' office. I called round to see Shaw one day and he said, "You have to thank me for that," as much as to say that I got into Judge Hawes' office on his recommendation. That is sufficient answer to the stuff he has been talking about.

With the consent of the District Attorney, Mr. Scoville called to the stand Judge Granville P. Hawes, who had been occupying a seat beside Judge Cox. He did not recollect whether the prisoner had come into his office on Mr. Shaw's recommendation or not. His managing clerk, H. T. Ketcham, could tell that.

The Court then, at the instance of District Attorney Corkhill, adjourned until eleven o'clock Monday.

The character of the testimony offered was very damaging to the prisoner. This appeared to be realized by him, for he was in a furious state of mind nearly the whole day's session. Every now and then he jumped to his feet and shook his fist in the face of the witness. He interrupted the counsel continually. In the opinion of members of the bar who have been in close attendance upon, while not connected with the case, Scoville started out very well at the beginning of the trial, and bid fair to make a pretty strong case for the prisoner. The conduct of Guiteau, however, has not only nullified to a great extent all which Mr. Scoville has offered, but has gone far to prejudice the public mind against the assassin. His daily conduct illustrates the truth of the old saying that a man who is his own lawyer has a fool for a client.

As will be seen by the testimony, the proceedings have been an extension of the line of testimony, which comprises all the dead-beatism rascality, and, in the words of the District Attorney, "devilish depravity," which could very well attach to one man. Mr. Scoville has about exhausted his patience with the prisoner, and has two or three times threatened to throw up the case. This because his counsel has been disregarded, and because all the labor spent in attempting to establish a theory has been wasted by the contrary and malicious actions of the prisoner.

CHAPTER XII.

Three Jurors Sick.—Guiteau in his Cell.—Rev. C. H. Mason on Crime and Crankism.—A very Important Witness for the Defence.—Dr. Spitzka, of New York, on the Stand.—Guiteau Delared Insane.

A CORRESPONDENT wrote on the 11th day of December to the Philadelphia *Times*: Mr. Scoville has lost a good deal of his confidence in his ability to establish the plea of insanity. While he does not yet despair it is understood that he has admitted to an intimate friend that the prisoner himself had done as much to overthrow the theory of defence as all the witnesses for the prosecution.

There is another complication likely to arise in the case. Three of the jurors are ill to-night at the National Hotel, in this city. Their names are Gaddis, Wormley, the colored juror, and Broemler. The first is suffering from threatened pneumonia, Wormley from gastritis, and Broemler from neuralgia. Wormley's situation was at one time supposed to be very critical, but Dr. Smith Townshend stated to your correspondent this evening that he thought Wormley had passed the Rubicon, and that the medicine administered had done him good. His and the others' illness he ascribes to a want of exercise, and he has so informed the Marshal having the jury in charge. Should one of the twelve be unable to serve the trial may be continued

(463)

by consent of counsel with eleven men. Dr. Townshend said he would endeavor to have the three in condition by next week so that they would be able to do duty and that the trial could proceed. There is some anxiety on the part of the prosecution, however, that in spite of this promise the trial may be blocked.

Your correspondent, accompanied by an artist, called upon Warden Crocker, who first called attention to the scaffold upon which Guiteau will be executed if the jury find him guilty. Upon this instrument of death three criminals have already expiated their crimes. Among the number is one whose head was torn clear from his body. The structure is firm and well braced and commands a full view of the corridor which crosses the rotunda to Guiteau's place of confinement, and in passing to and from the jail he is given the full benefit of its appearance.

After making a drawing of the scaffold the hall was crossed and the iron gate unfastened which gives entrance to the narrow passageway where Guiteau is confined. He had been removed to the far end of the passage for the day, where he might enjoy more light and room. When your correspondent entered he was found reclining upon a narrow cot, attired in a red flannel undershirt and a shining old cutaway coat. He looked bright and fresh and said he was feeling much improved in health, as he had had a good rest from court service. As to his feeling toward certain members of the press, he said it would be all right in the end, and with a smile shook hands with those he met. He said he would give his signature to the document he intended to read in court when first arraigned to-morrow. He seemed much pleased to know that three of the jurors were unwell, but did not express himself upon the subject. He said the

furnishing of his autograph to callers had become quite a feature in connection with his confinement. He signed himself Charles Guiteau since he had entered politics last June a year ago and Charles J. Guiteau prior to that time as an attorney. He then procured his ink and paper, and, kneeling at a chair, furnished several autographs. He said that his brother had not been down to see him during the day. His callers were here saluted with a smile and a hand-shake and Guiteau was left alone in his glory. The artist present made a portrait of Guiteau in his Sunday attire and in his Sunday cell.

Rev. C. H. Mason, in the East Baptist Church, New York city, on the 11th day of December, took as his subject "Crime and Crankism." He found a text in the words, "And God said, take the heads of the people and hang them up." There was not, he said, enough hanging in these later days. It had come to be a discarded practice, and the structure of society was becoming weakened on account of the neglect. We need more strictness in the courts of law, more rigor in the hand of Justice and more hell in our church creeds. The fact that crime would have to be answered for at the bar of God was forgotten, and was leading to its natural result in a laxity on the part of the dispensers of retributive justice. Murder was becoming too common, and it was becoming thus common because punishment either followed too tardily or did not follow at all. The old blue laws were at fault in that the punishment was out of all proportion to the crime, and human life was not regarded with sufficient sacredness; but now the opposite extreme had been reached, for the most awful crimes were looked upon as common-place affairs, and did not excite the horror and desire for swift, sure

justice which they should. Cranks were as numerous as the springs of human action. There was the whiskey crank, who persisted against all the discoveries of science in softening his brain with poisonous alcohol or worse. There were religious cranks, who turned the holiest of subjects into a farce or used the church for their own selfish purposes. The murderous crank just now seemed to be engaging the most attention on the part of the public. The President of the United States seemed to be a shining mark on the part of a certain class, who were in fact the creation of a false view of crime and its punishment on the part of the general public. They had even chances of escaping punishment in the many loop-holes of the law, and they had a pretty certain prospect of getting what was the dearest of all objects to a certain class, and that was notoriety. Guiteau is the best known of this company, and he is gaining his object to the full. He stands to-day a lasting disgrace to the American people, and a commentary on our happy-go-lucky way of conducting public affairs. The President as such was more than any one man of the Republic, and his life and person should be so hedged about with safeguards that such an act as that for which Guiteau is now at the bar of justice would be an impossibility. This was only one of a number of precautionary measures which should be taken, but the state of affairs, of which the crime of Guiteau was an outcome, demanded more radical treatment and a deeper cure. What was needed was a return to the strict justice laid down in holy writ. The law of an eye for an eye and a life for a life had never been abrogated, and when infidelity and unbelief ran rampant and people lost their faith in a hereafter and an accountability at the throne of God, there was a corresponding failure to demand full and complete retribution here. It was not chivalric to forgive when forgiveness meant a great wrong to a great number. The welfare of society as well as justice to the individual demanded a stricter watch over crime, and crime was but a general name for many forms of crankism.

The Guiteau sensation took a new phase on Monday the 12th day of December. In fact, it may be said that this day's session has been one of the most sensational of the whole trial. The prisoner exhibited very little of his customary fury and recent eccentricity, nor was there any sparring of moment, but the day was one of intense interest. To begin with, considerable anxiety was felt as to the condition of the jurors, the news of last night being repeated this morning that Mr. Wormley would not be able to take his seat in the box. This anxiety was dispelled, however, before the jury arrived, by the announcement of one of the officials of the court that the jurors were all right and would be on hand in time. When they appeared Wormley was among them, though with his head tied up with a bandage.

The sensation of the day was the examination of Dr. Spitzka, the New York expert, upon whose testimony so much stress has been laid. The doctor arrived on Saturday and made an examination of the prisoner in jail yesterday. His reputation as an expert had preceded him, and the government made private overtures for his testimony in case he could be of any assistance in the conviction of the prisoner. He rejected these overtures, saying that he preferred to be unhampered one way or the other in making up his verdict. The taking of Spitzka's testimony lasted all day and was accompanied by several sensational incidents.

He stated that he had followed the medical profession for eight years, and for six of these he had made a specialty of nervous and mental diseases. He had studied in Vienna and this country. He had been called as an expert in insanity cases twenty-five or twenty-six times. He had examined the prisoner in jail yesterday. "The result of my examination," he said, "was that I found this man insane." He had not the slightest doubt of it.

Q. How did you investigate this subject? A. I examined the background of his eyes by an instrument known as an ophthalmoscope. I examined the pulse with an instrument which magnifies the pulsations, called the sysgimograph.

Q. What was the result of that examination as to his eyes and pulse? A. I found both normal and healthy.

Q. State whether there was anything in those particulars to change the effect of your opinion as to insanity? A. Nothing; from the nature of the case, as in my mind both examinations were not necessary and, strictly speaking, irrelevant; it was simply as a matter of record that I made them.

Q. State somewhat further the particular phase or character of the insanity in this case as observed by you.

A. That would be very difficult to render clear to any jury not composed of experts. I simply say that the marked feature of this man's insanity is a tendency to delusive or insane opinion and to the creation of morbid and fantastical projects. There is a marked element of imbecility of judgment, and while I had no other evidence than the expression of his face for this I have no doubt that he is a moral imbecile, or rather, a moral monstrosity.

. Q. Will you state whether you observed any indication

of insanity from the general appearance of his eyes? A. That was, to my mind, the most conclusive evidence of his insanity. I concluded that I had an insane man to deal with before I asked any questions or said anything to him. He had an insame manner as well marked as I ever saw it in an asylum. The witness thought the prisoner had been in a more or less morbid mental state throughout his life, and was probably insane on the 2d of July.

Mr. Davidge conducted the cross-examination. The witness was asked where he graduated, and replied: At the medical department of the University of the City of New York. In reply to further questions, the witness said that he had never had charge of an insane asylum, but that he had applied, or made inquiries looking to application for such employment, to the asylums at Blackwell's Island, New York, Oshkosh, Wis., and Danville, Pa. The application for the asylum on Ward's Island was made at the instance of Dr. McDonald, its superintendent. He was professor of comparative anatomy at the Columbia Veterinary College.

Q. What sort of a college is that? A. A college where physicians are instructed in the art of treating the lower animals.

Q. The doctors belonging to this college are called "horse doctors," are they not? A. I never have treated any lower animal, except the ass, and that animal had two legs (laughter); I therefore cannot consider myself a veterinary surgeon.

Mr. Davidge—But you are a veterinary surgeon, are you not?

The Witness—In the sense that I treat asses who ask me stupid questions, I am. [Laughter.]

Q. Do you hold yourself out to the world as a man ready to go into court and testify in cases involving the question of insanity? A. I am willing to testify to the truth in any case and for any side, and I charge a respectable fee for it, the full value of my services. In this case, however, I do not receive enough to take me to Jersey City. If I had desired to sell my services or sell my convictions, I would be sitting behind you as one of the experts for the prosecution. [Sensation.]

Q. What reason have you for saying that? A. Because I had an opportunity of coming here as an expert for the prosecution.

Witness was questioned about his examination of Guiteau. He said he found the prisoner's physical condition (so far as he noticed it) good, his memory good, and his legal attainments (in convresing with Mr. Scoville about his trial) those of a third-class shyster. He displayed a certain amount of judgment, parried questions which he did not want to answer, and went to subjects which developed something flattering to his self-love.

Mr. Davidge—Did you form the opinion that this man did not know the difference between right and wrong?

The Witness—That would depend on the interpretation given to the question. If you ask me whether he knew the legal consequences of his acts, I should say without any hesitation that (at least since he has been a lawyer) he has always known the ordinary legal consequences of criminal acts.

Mr. Davidge-You have no doubt of that?

The Witness—Not the slightest; but that is not my interpretation of insanity. It is outside the idea of right and wrong.

- Q. You considered that the shooting of the President was not the result of an insane delusion, but rather of a tendency of the mind to the formation of morbid projects? A. That is the main motor.
- Q. Do you not think that every murder originates in some such tendency? A. On the contrary; I think it is the great exception.
- Q. Would any man who does not indulge in morbid projects commit a murder? A. Most murders are not committed from morbid projects, but from sane motives, criminal motives. Witness thought depravity might tincture morbid projects, but did not think the prisoner's behavior consistent with the theory that depravity was the father of the act in the killing of the President.

The Court then took a recess. As the manacles were being placed upon the prisoner he broke forth with a denunciation of the prosecution for the use of the word "depravity." With the exception of committing adultery to get rid of his wife and of owing some debts, he had always been a Christian man, and he concluded, violently: "And I am not afraid to go to the gallows if the Lord Almighty wishes me to. I expect an act of God that will blow this court and the jury out of that window to protect me, if necessary. I want to thunder that in the ears of the American people."

The afternoon session was opened as usual by the prisoner, who, thumping the table with his fist, cried, "There are a good many poodle dogs in the newspaper business, and I want to express my utter contempt for some of those poodle dogs. I am glad to notice that the high-toned, conscientious papers are saying, almost with one voice, that it would be a stain on the American name for the jury to

hang a man in my condition on the 2d of July, when I was precipitated upon the President."

Hardly had he ceased speaking when a voice from the most crowded corner of the court room exclaimed, "Shoot him now!" The prisoner glared around in a frightened manner, while there was a good deal of suppressed commotion among spectators. The deputy marshal attempted to discover the offender, but was unsuccessful in his search.

The cross-examination was then resumed:

Dr. Spitzka concluded, from the shape of the face and head and defective innovation of the facial muscles, and from the pronounced deviation of the tongue to the left, that the prisoner was born with an unequal development of the brain, and that his insanity was congenital. Witness described with great particularity the peculiarities of head formation which he had detected in the prisoner's case. He thought in the prisoner's case the inequality in the two sides of the head was three times greater than in the normal head. The inequality could be taken as an indication of moral imbecility only in proportion to its degree. Witness continued: "If I had only that man's (pointing at Guiteau) mean face to judge by I might say he was a deprayed man or an insane man; but introducing the other factors, the unequal formation of the head, the inequality of the facial expression, and the deviation of the tongue, I am of the opinion that the trouble is of a congenital origin."

The closest attention was paid by Guiteau to the evidence of this witness, and his satisfaction was plainly indicated by the expression of his countenance. The witness becoming weary sat down, but District Attorney Corkhill insisted upon his standing up, as he could not see or hear him. The witness stood up, saying it was a trivial matter

whether Mr. Corkhill could see or not. Guiteau was immensely amused at this remark and, with a chuckle, said:

"He's a bad man for you, Corkhill; we've got some more of them, too."

Witness was asked if he had not appeared as an expert in a certain case, and after taking a fee on one side, returned it and had taken a larger one on the other side, and replied with considerable warmth: "You have no basis for such a question, and no man dares an assertion upon which you could found it."

Guiteau again interrupted in a great rage, and in tones which completely drowned the voices of counsel and witness, yelled out: "That's a very dirty question for you to ask, Corkhill. It just suits your brain. I'm going to ask Arthur to kick you out of this case. Why this man is one of the first scientists of the country. Why, he would not condescend to spit on you, Corkhill. You are in bad repute, Corkhill, with every member of this bar. You are an unmitigated nuisance in this case."

Witness finally answered: "Most decidedly no." Court adjourned without concluding the examination.

As soon as Guiteau was seated in the court room on the 13th day of December he began to read a newspaper, but he did not lose sight of the examination of Dr. Spitzka, whose testimony was resumed. Mr. Corkhill handed Dr. Spitzka a slip of paper on which was pencilled an oblong figure, which he claimed represented the shape of the human head. Dr. Spitzka drew a diagram of the contour of a head, after explaining that the irregularity of Guiteau's head was three times that of an ordinary person. Being asked if he believed in a God, Dr. Spitzka objected to answering "on principle," as he termed it, "in a country where

civil and religious liberty are guaranteed." "And irreligious liberty," remarked Mr. Davidge; but this elicited no laughter from the audience. Guiteau, who first stated that a man had given him a hat to measure his head, said in a serious manner, "Do you believe in a God, Corkhill? I have been digging up your record and it stinks worse than an old mackerel, and that stinks worse than anything else." There was a little laughter at these words. Mr. Corkhill, with an air of unfeigned indignation, said he did not wish to examine the witness any further, as he would not answer the question as to his belief in a God. The fact that the prosecution had kept Dr. Spitzka on the stand all day and had asked him to reappear this morning, led the public to believe that Mr. Corkhill would subject him to a very thorough cross-examination. In regard to the Gosling will case Dr. Spitzka said the man died with the same kind of insanity as that with which Guiteau is afflicted. He said in that trial he had been asked the same question in regard to the horse doctor as was asked him yesterday, and by the promptings of the same political expert. Dr. McDonald, Superintendent of Ward's Island Asylum, and Dr. Hamilton were experts in that case. At the close of the redirect examination Guiteau stated that the witness Shaw, of New York, had been almost convicted of perjury in New Jersey, and that English had been convicted of bastardy. This provoked a little laughter, and in a few minutes Guiteau who was reading a paper, created a commotion by exclaiming: "I'll say that crank, Talmage, is doing this business; he was before his synod for lying; he was a kind of tender to a house of prostitution, and as such travelled all over Europe." Dr. Spitzka was interrogated by Mr. Corkhill about an article in a medical journal, wherein the

District Attorney is charged with having gone out of his line to secure expert witnesses to testify to the prisoner's sanity. Quite an interesting scene ensued, for District Attorney Corkhill unfortunately lost his temper.

Dr. Spitzka stated that he did not approve the present system where the practice obtains of calling expert witnesses for one side instead of having them summoned by the Court to give important testimony. Mr. Corkhill tried to construe this into an imputation that all the medical experts were corrupt. This amused Guiteau, who declared to Mr. Corkhill, "It is the unanimous opinion of the American people that you are a consummate jackass. You ought to go West and go to digging." While this induced laughter on the part of the audience, it had an opposite effect upon Mr. Corkhill, who was very much enraged.

The cross-examination of Dr. Spitzka was resumed by District Attorney Corkhill. He stated, in reply to interrogatories, that he had on one occasion applied for employment at the asylum on Ward's Island, New York; this was done at the request of Dr. A. C. McDonald, who desired that he should make the post-mortem examinations at the asylum; some of those examinations were now published over his name in the asylum reports; he had never offered to serve for one year for nothing in the asylum at Oshkosh.

Q. (Handing witness a drawing on a piece of paper about four inches square)—Take this outline of a head and suppose it to be that of the prisoner, point out the peculiarities of the formation of this head. While the witness was examining the drawing and sketching another more to his mind, the prisoner made his first speech of the day. "A hatter wanted to take my head this morning. I told

him I would let him if he gave me a new hat. I have got the hat. I suppose the government will pay for it, Corkhill. I am sure it won't come out of your pocket."

The Witness (illustrating by the drawing)—The inequalities of the two sides of the head are determined by considering the head from three points of view—the back, front and top. The most noticeable asymmetry is in the front view. The left side is the one I refer to as being three times more unsymmetrical than under normal circumstances.

Q. Supposing that to be a correct delineation of the prisoner's head, how does it differ from the ordinary class of heads? A. It is far beyond the degree of asymmetry.

Q. The deviation in the head would be about three times as great as in the ordinary head? A. At least.

Q. Are you acquainted with Dr. Kiernan, of Chicago? A. I am.

Q. Are you associate writer in any journal which he is connected with? A. I am.

Q. You believe in God?

The Witness—If the Court does not declare that the question is irrelevant I will answer.

The Court—You are not obliged to answer that question.

The Witness-On principle I decline to answer it.

The Prisoner—Do you believe in a God, Corkhill? I have been digging up your record, and it stinks worse than a mackerel.

The District Attorney (to the witness)—Then you decline to answer.

The Witness-I decline to answer on principle. It is,

to my point of view, an impertinent question in a country that guarantees civil and religious liberty.

Mr. Davidge—But not irreligious liberty.

The District Attorney—As you decline to answer that question, I do not think I have any further question to ask you.

Re-direct examination:

- Q. What reason have you to think that the prisoner was not simulating in the interview you had with him? A. I detected no evidence of simulation, which I believe I should certainly have found if it existed.
- Q. Has your attention been frequently drawn to this point in connection with people supposed to be insane? A. I have seen probably five or six cases of simulation.
- Q. Is it easy to detect them? A. In the vast majority of cases very easy.
- Q. Do you think it possible that a person who had never seen a case of insanity, or not more than two or three, could successfully simulate insanity? A. A layman could not make even an approach to simulating insanity under those circumstances.
- Q. You were asked in regard to the Gosling case; state what connection you had with that case. A. The connection that I had with that case was that I was approached by both sides; by letter by the wrong side and personally by the right side; that I declined by letter to go for the wrong side, and went for the right side, and I was asked then about what the prosecution terms the "horse doctor business," the question being instigated by the same medical politician who instigates them now, and who was approached by both sides.
 - Q. How did you know which was the right side? A.

By the death of the patient from the very form of insanity we predicted he would die from.

- Q. Who were "we?" A. The experts—Drs. Hammond, A. E. McDonald and myself; there may have been others.
- Q. Explain more fully your expression that the crime in this case was the result of a morbid project based on a delusive opinion. A. By delusive opinions in this case I mean extravagant interpretations of outward circumstances that would strike a sane man differently from what they struck this prisoner.

Mr. Scoville then summarized all the evidences of insanity which, according to the witnesses for the defence, had existed in the prisoner's family, and asked the witness whether if those facts were proven they constituted a proper claim for a hereditary taint of insanity in the prisoner.

The Witness—I would say that the family was strongly drenched with hereditary taint and that the prisoner might or might not have inherited the taint; but I would have to exclude a good many things you said from that opinion. For instance, the belief (held by Luther W. Guiteau) that a sick man might be cured by prayer is not a sign of insanity, though it may be a sign of weakness of judgment. As to the belief of Mr. Abram Guiteau that he would never die, do you mean spiritually?

Mr. Scoville-No, bodily.

The Witness—That would be a strong evidence of insanity.

Mr. Porter (ironically)—Could you test it by the fact of his making his will six months before his death?

Mr. Scoville—You were asked as to your knowledge of a class of insane delusions where people consider themselves

inspired of God. Do you remember the case of Freeman, of Pocasset, who killed his child?

The Witness—I have not any accurate knowledge of the case; I only know of it through the newspaper reports; that case was not analogous to this case, except as to the belief in inspiration.

Q. That was a manifestation of insanity? A. It was so pronounced and I think it was.

Q. Do you remember anything else that transpired at the interview with the prisoner in the jail that helps you to form your opinion of them? A. I should have nothing to add except in explanation of the general nature of his mind, a fact, standing by itself, which would have no significance, of a remarkable dream he related, which was to my mind consistent with the other features he showed; he had a dream that he was at the White House holding a big reception there.

The Prisoner—That was a week ago; it kept me awake all night; I thought it was an immense affair.

Q. Did you have any opinion before the publication of your article, which was alluded to yesterday, on this class of cases, and did you before that time express any opinion by written communication or otherwise? A. I had a fixed pigeonhole of some cases years before the assassination occurred; I had published an abstract of similar cases, and part of these were published in the New York Medical Gazette.

Q. Do you remember at a conversation in the cell my saying something to the prisoner in regard to the witness Shaw, who testified here, as to any information I had obtained about him? A. That was part of the conversation to which I referred when I said that the prisoner displayed the ability of a certain portion of the legal fraternity.

Mr. Porter objected to Mr. Scoville attacking an absent witness by detailing the conversation which occurred in the jail.

The Court sustained the objection, and then the prisoner broke forth: "We have information that Shaw has been convicted, almost, of perjury, in New Jersey, and barely escaped by a technical quibble, and the Court told him on the bench that he ought to be in State Prison for perjury. That is the kind of man Shaw is; that is your kind of men, Corkhill. That man English has been convicted of larceny in Ireland."

The District Attorney again cross-examined the witness.

- Q. You said you had a pigeonhole for cases similar to this? A. I had a picture of this class of cases framed in my mind.
- Q. Have you written any other article on the subject of this trial besides the one to which I called attention yesterday? A. I decline to answer that question.
- Q. Did you write an article for the New England Medical Monthly? A. I did, or rather I furnished some of the facts for it.
- Q. What other papers did you write articles for concerning the trial? A. I have written an occasional editorial in the Chicago Medical Review on this subject.
 - Q. How many have you written? A. One or two.
- Q. What other journals or newspapers have you written articles for? A. None.

The District Attorney handed to the witness the article published in the New England *Medical Journal*, and asked him to mark thereon the portions that were exclusively his own.

While the witness was engaged in doing so the prisoner

broke out: "I see that crank Talmage, of the Brooklyn Tabernacle, has been doing up this business in a sensational style. I believe he is the man who has been before his synod several times for lying. He is also said to be a leader for a house of prostitution. He is a nice man to criticise me. I have got my eye on two or three others of these cranks. The high-toned decent part of the American people are settling down in a quiet way in this matter, but there are a few cranks who persist in talking about it."

The District Attorney, having got back the paper marked by the witness, asked him what he meant by the phrase, "Defects of our expert system." The witness replied, "The habit of calling expert witnesses for one side and not for the Court."

The District Attorney—I recognize your language here about the prosecuting attorney.

The Witness—I thought you would; that was an opinion which I formed early in this case.

The Prisoner (to the District Attorney)—In my opinion and in the opinion of the American people (to Mr. Scoville—Do not be punching me!) you are a consummate jackass. If you had any self-respect you would crawl out of this case and go out West to the diggings. That would suit your brain better than the trial of a case like this. My name is Getto, not Geeto, as you pronounce it. You have not got sense enough to pronounce my name yet.

The District Attorney (to the witness)—And your sentiment is that these medical witnesses are here to swear to what they do not believe?

The Witness—I did not say that; all that I intended to imply was that the habit of a lawyer, who is not an expert in insanity, prejudging the case of a prisoner, and then

sending for experts, looks involuntarily to the selection of such experts as will meet his view; and as there are, in our profession, men who are weak and bad you may get such men to sell their opinions in cases where the United States Treasury is behind them.

The District Attorney—That is not the question. I ask you whether you believed that the gentlemen subpœnaed on this trial as medical experts are going to perjure themselves?

The Court—We have not got to that point.

The District Attorney—This gentleman appears here as an "involuntary" witness under an extraordinary process of the court, which did not reach him until he got here. There is no process of the court, however, which could have compelled him to examine the prisoner or do anything but make a cursory statement. Long before this trial began this witness has been writing about the character of the trial, not only criticising the law officer, but throwing his filth on the medical professors of the country.

The Court—I have not heard anything emanating from this witness reflecting on the medical gentlemen summoned for the prosecution.

The Prisoner—He is one of the most scientific men in America. He tells the truth. That is what he is here for. (To the District Attorney.) If your head was not so thick you would have seen it before this. There is no money in this case for him. (To Mr. Scoville.) Keep quiet.

The District Attorney read a paragraph from the article in question, calling attention to the spectacle of a prosecuting attorney graduating into an expert on insanity, and then sending for experts favoring that view, and stating that only such experts had been summoned in this case as would pronounce Guiteau sane.

The Witness—That is not a part of the article which I have recognized as being written by me; if you ask me my opinion, however, I will give it.

The District Attorney—Did you inspire that?

The Witness—It certainly originated with me, but not with the intention of being published.

The Prisoner—The witness meant no reflection on these honorable gentlemen, but he knew that Corkhill was a scoundrel and capable of doing any dirty thing. He was only striking at him on general principles.

The Witness—It has been a great surprise to me to find articles not signed by me recognized as being mine; I have only made the assertion that in my opinion the expert who, from that point of view, would declare this man sane is either not an expert or is not an honest one; that is my opinion.

The Prisoner—The witness is vindicated by the Court and by the people. Let him go. He is a spendid fellow. He has come here without money, and that is what I want. These other gentlemen may be just as able and as honest. I do not want any trickery in this business and I will not have it. I want square dealing all around.

Dr. Fordyce Barker, physician and surgeon, of New York, was next called as an expert witness on behalf of the prosecution. He was examined by Mr. Porter. He stated his professional experience, and that he has carefully investigated and studied the subject of insanity; he defined insanity to be a disease characterized by an alteration of the mental faculties and a perversion of the normal actions of the individual; in cases of insanity either a change of substance

(and that wrought by disease) or a change in the healthy performance and functions and duties that belong to some part of the body is always found, either one or both.

- Q. Is insanity a hereditary disease? A. There is no such disease known to medical science as hereditary insanity; there can be no hereditary insanity; there is undoubtedly a hereditary tendency to insanity—that is, men are born with a temperament or nervous organization which renders them more liable to become insane under the influence of a specific cause, less than would produce insanity in other persons.
- Q. Does the fact that a grandfather or grandmother has been insane prove a descendant to be more liable to insanity? A. It does not; a grandmother or grandfather may have become (from accidental causes) insane subsequently to the birth of a child and that child or his descendants would not be liable to inherit the tendency to insanity.
- Q. Can a man inherit a tendency to insanity from brothers or sisters or aunts or cousins? A. He cannot.
- Q. Are delusions constant elements of insanity? A. They are not; many insane people have no delusions and many sane people have them.
- Q. What is moral insanity? A. Moral insanity is wickedness; it is a term not found in medical science, as involving a form of insanity; it is a term loosely used to excuse or palliate conduct which is on any other theory indefensible.
- Q. Is the habit of boasting of intimacy with persons holding high positions and possessing influence and power (where there no such intimacy) proof of an insane delusion? A. It is not, because it is not the result of disease, and insanity is a disease; it is the result of vanity and self-conceit and love of notoriety, and these are vices and not diseases.

Q. In your judgment as a scientist would a man's assertion that he was the chosen instrument of God and was in direct and immediate communication with Him as a trusted agent be evidence of an insane delusion? A. It would not, for several reasons; it might be asserted as an excuse for crime; where it exists as one of the symptoms of insanity it is susceptible of proof. If the act were inconsistent and contrary to the previous habits and normal character of the individual it would be a strong presumptive evidence of insanity. For example, if a man who has always been a hard working, industrious man, of correct habits, moral, affectionate, fond of his wife and children, should cut the throat of his child and give as his reason that he was directed by the voice of God, that would be almost a sure proof of insanity, whereas, where a man has been always a tyrant to his wife and children, utterly reckless in his conduct, of bad impulses, regardless of the laws of God and man, such an excuse would not be a defence, and would not be any evidence of delusion.

The Prisoner—That suits my case exactly, Doctor. I have been always a Christian man.

Q. Is uncontrollable impulse a form of insanity? A. Uncontrollable impulse, in and of and by itself, does not constitute a form of insanity known to science. It is a symptom which may be present and may be absent in the insane.

Q. Assuming it to be in proof that a person charged with crime and claiming to have a delusion has in repeated instances controlled himself and voluntarily refrained from the act on which he professes to have a command from God, would you call that evidence of uncontrollable impulse? A. It would show that the individual has not lost

his power of will or his self-control under the influence of his delusion.

Q. If it be assumed that in repeated instances the party thus accused avowed that he had personal motives for his act, would that in your judgment as a scientist show that the act was or was not committed under the influence of uncontrollable impulse?

The Prisoner—Allow me to suggest the word "pressure" as a better word than impulse. There was an irresistible pressure grinding, grinding, grinding and pressing upon me for four weeks to remove the President of the United States. That pressure never left me for one moment. With that statement I would like to have the Doctor's opinion.

The Witness—I should say it was a proof he was not; when persons are acting under an insane delusion they have a steadfast, unflinching, unyielding, abiding faith in that delusion; that faith governs and controls their act, and they are not influenced either for or against the performance of the act by mental process; if one is so governed it shows that the delusion does not control the will.

The Prisoner —The Doctor is answering a question on a false basis.

- Q. What is the import of the medical term "Border line of insanity?" A. The phrase "Border line of insanity," when used by medical men as applied to a particular case, is simply indicative of a threatening case of disease which may develop into insanity.
- Q. Does the word "crank," as used in common parlance, embrace the same idea? A. That word has been used only recently, and has not yet found a place in scientific nomenclature.

- Q. Are eccentricities evidence of insanity? A. Eccentricities are exhibition of character, in language, dress, modes of expression, or conduct, different from the ordinary standard of the world, and are usually the result of vanity or self-love.
- Q. Have you made a personal examination of the accused for the purpose of determining whether he is sane or insane? A. I have not.

Q. Why have you not? A. In the first place because I was not asked, and in the second place because I had no personal desire to do it.

On cross-examination the witness stated that he had delivered frequent lectures in the Bellevue Medical College and in the New York Medical College on certain forms of insanity; he had never lectured on the general subject of insanity; he was largely engaged in connection with obstetric business, but more than half his time was consumed in consultations in regard to all forms of medical disease, exclusive of surgery; he admitted having had a long interview last Sunday with Mr. Porter and Mr. Clarence Seward, in which this whole case was discussed pretty fully, and in which some of the questions that were asked him to-day had been read over to him; he had not, however, given his answers.

Q. Suppose that a mother, carrying her child unborn, is attacked with acute disease which affects her head severely—neuralgic pains of the head or brain-fever—to such an extent that her head had to be shaved and that she was, under the old practice in vogue forty years ago, bled, do you think that that condition of things would not naturally affect the child to be born? A. It might, but not necessarily; I have known cases when it did not.

Q. What would be the probability of its doing so? A. With certain diseases the probability would be strong, but in other diseases there would be no such probability.

On further cross-examination the witness stated that within the last three years he has been called in consultation at least fifteen times in cases of insanity in males, and he mentioned the names of Drs. Fisher and Packard as two of those physicians with whom he was thus in consultation. He was then asked, "Is it not true that there can be no insanity unless the brain is diseased in some form?" His reply was, "There can be no insanity unless the action of the brain is disturbed."

The Court (to the witness)—State to what class of subjects insane delusions generally relate.

The Witness—That depends upon the existing cause of the insanity.

The Court—Do they always relate to something affecting the individual himself or his relations with other persons?

The Witness—Insane delusions are false beliefs as to facts; absurd and extravagant opinions are governed by differences in the intellectual powers of different individuals; some are buoyed up by extravagant hope and confident belief in success, while others are depressed and inclined to take a dark view of every question.

The Court—Is an insane delusion ever the result of a process of reasoning?

The Witness-No.

The Court—You have described a state of things in which a party has no delusion and yet in which there is some perversion by which his will does not control his action, and you stated that that is not moral insanity. State

the difference between that and moral insanity and between that and irresistible impulse?

The Witness—Those cases that I spoke of, where there are no delusions, are perversions of the morals and instincts of the individual to such a degree as to produce conduct entirely different from that person's ordinary conduct.

The Court—What is the difference between that and moral insanity?

The Witness—I do not think there is any such thing as moral insanity; I have no faith in its existence; moral insanity is simply wickedness.

The Court—Is there any difference between that case and the case of irresistible impulse?

The Witness—Decidedly.

The Court—What is the difference?

The Witness—Irresistible impulse is where the functions and the emotions are so perverted as to destroy the person's power of acting otherwise. Uncontrollable impulse may exist in a perfectly sane person, as the result of bad habits or passions. If a man who is in the habit of using tobacco or opium is not able to break off, that habit is an uncontrollable impulse. But that is not insanity, it is a vice.

The Prisoner—Where a man does an apparently illegal act from an irresistible pressure, is that insanity or sanity, Doctor?

The Witness-That fact shows insanity.

The Prisoner—That is my case, sir. (Laughter.)

Mr. Scoville—Do you mean to say that in cases actually recognized as insane the desire of the mind may not operate or show itself in a perversion of the moral perceptions?

The Witness—I did not say that; what I did say was that there may be a perversion of the emotions and in-

stincts without a perversion of the intellect and without delusion.

- Q. Is it not a fact that, as a phase of insanity, the moral sense is frequently perverted? A. Oh, yes.
- Q. Is it not a fact that frequently in insane asylums there are patients who are exceedingly ugly and apparently depraved, and that that ugliness and depravity is the result of mental disease? A. Yes; but in these cases it is not wickedness, because the patient is not responsible.
- Q. Is it not a fact that in some patients there is very great wickedness? A. Yes; insane people may be very wicked and are responsible for such wickedness as they can restrain themselves from doing; if they can find a motive for doing or not doing an act of wickedness it shows that their insanity has not destroyed their power of will.

Mrs. Scoville here, for the first time, ventured to take part in the examination of a witness, against the earnest protest of the prisoner, who told her to mind her own business. She said to the witness, "Doctor, can a person be born insane from malformation of the brain?"

The Witness—That produces idiocy and imbecility, not insanity.

Mrs. Scoville—Can it develop into insanity?

The Witness—A person with a malconstructed brain may be more liable to insanity.

Mrs. Scoville—That is what I wanted to know. I am much obliged.

After recess L. S. Goble, of Newark, N. J., was called. He stated that he was the agent of a life insurance company, and related how the prisoner came to him with some applications (which were not accepted) and in the course of some two or three interviews borrowed various sums of

money, amounting in all to \$25; the prisoner stated to him at that time that he was about to marry a wealthy lady and that he was to have the Austrian mission.

In the course of cross-examination the witness said that he had given him the last loan of \$10 because the prisoner had a look of desperation which impressed him very much.

The next witness was William P. Copeland, a Washington journalist, who picked out the newspaper scraps that were found on the prisoner, and indicated the various papers from which they were cut, several of them being from the Brooklyn Eagle.

The next witness was H. T. Ketcham, of Brooklyn, attorney and counsellor-at-law, who had been law-clerk to Mr. Hawes at the time the prisoner had a desk in the office. He testified that he had several conversations with the prisoner, and particularly in reference to a patent which the prisoner said he had for the use of rouge by jewellers; the witness' father, who is a jeweller, told him when he mentioned the matter that there might as well be a patent for the application of bread to butter; the witness had occasionally lent him small sums of money.

The Prisoner—I beg leave to differ with you; you never gave me a cent in your life; you was a poor clerk in a law office, perhaps getting \$5 or \$10 a week.

The witness went on to relate an incident in regard to the prisoner obtaining \$5 from a Mr. McKellar by false pretences, the prisoner denying that there was any truth in the statement. In reply to the question as to whether he had observed anything in the prisoner indicating unsoundness of mind, the witness replied, "Nothing at all; he impressed me as a man capable of conversing on ordinary subjects without expressing any extreme or violent or absurd

views." He did not, however, regard him as a man having any fair good sense.

The Prisoner (contemptuously)—I did not consider you a suitable man for me to converse with. He was nothing but a clerk in the office, while I was supposed to be a high-toned lawyer.

Mr. Scoville—What led you to conclude that the prisoner was a person of little sense?

The Witness—That was the general impression I received from hearing him.

The Prisoner (angrily to Mr. Scoville)—If you were only smart enough you would see that all this talk has no relevancy to the case. You are getting cranked on this business yourself. They will have you up for trial yet. You are getting worse than Corkhill. (Laughter.)

The next witness was Henry Wood. As soon as he came to the witness stand the prisoner exclaimed, "That is the man who knew my wife before I did." The witness testified that he is a resident of Philadelphia and a railway manager; he first met the prisoner in 1872; the prisoner called at his house at that time to thank his family for some friendliness they had shown to his wife; he had subsequently seen him several times in connection with his divorce proceedings; the last time he saw him was when the prisoner attempted to deliver a lecture in the Presbyterian Church in Philadelphia on the "Second Coming of Christ;" the prisoner spoke for about fifteen or twenty minutes and then stopped, saying that his book would soon be out, and that everybody could then see what he thought on the subject; he then passed around his hat for a collection.

The Prisoner—I got fifty cents, and twenty-five cents of it came from the witness. (Laughter.)

To the question whether the witness had seen anything in the prisoner to indicate unsoundness of mind, the witness replied, "I did not; quite the contrary; he always appeared to me as a man of more than ordinary intelligence, but wholly wanting in principle."

On cross-examination the witness said that he had not known the prisoner's wife before her marriage.

The next witness was Simon D. Phelps, broker, of New York. He testified that he had practised law in Chicago, where he was a member of the firm of Reynolds & Phelps; the prisoner had engaged that firm to bring a suit against the Oneida Community for \$4,000 or \$5,000, which the prisoner claimed to have deposited with the Community; after some time he found that the prisoner had lied and he told him so.

The Prisoner—Phelps is the man who is lying; I talked with Mr. Reynolds about my suit with the Oneida Community, but I never talked with Phelps; he used to be a lawyer, but he is now a curbstone broker in New York; he hangs around the Equitable Life Insurance building; he is like English and Shaw and all that kind of folks; they are dead beats and perjurers.

The witness went on to state that he also met the prisoner in Chicago in 1875, when the witness was managing editor of the *Inter-Ocean*.

"Yes," the prisoner broke in, "that was when the *Inter-Ocean* was played out, and that was how Phelps got the job."

The witness stated that the prisoner came to the office having some sort of scheme in his head for publishing the New York Herald and the Chicago Inter-Ocean simultaneously. Witness told him about the Associated Press ar-

rangements, from which all the valuable news was obtained. The prisoner had not known anything about it, and then he gave up the idea. Subsequently the prisoner proposed to purchase the *Inter-Ocean*, and showed the witness a long list of the names of men who had subscribed to make the purchase. The prisoner knew much more about the stockholders of the paper than the witness did.

The Prisoner—You were only a "sub," and a very small one at that. (Laughter.)

The Witness—He wanted that I should accept the position of editor-in chief on the paper to be established under these new auspices, and he showed me the introductory editorial that was to appear in the first issue; he brought in a number of articles to have published, and I think that one of them (after long labor and immense revision) was published.

The Prisoner—You thought it was a splendid work of art. It was a column article on the subject of suicide. I wrote it off-hand and you thought it was very finely done.

The witness went on to relate various other of his interviews with the prisoner in Chicago, Boston and New York, and said he never noticed anything about him that led him to believe that the prisoner was of unsound mind or that he did not know what he was about all the time. He knew it very well.

In cross-examination he was asked whether the prisoner was a man of ordinary prudence and judgment. His reply was, "Of extraordinary prudence and judgment, of the Colonel Sellers stripe."

Mr. Scoville-Explain yourself.

The Witness—Colonel Sellers is the type of a character who has more or less egotism, and who is constantly getting

up schemes that are to make great fortunes for himself and friends—a genial, good-natured fellow, differing, however, from this man, who, instead of being genial and good natured, has the most unbounded selfish disposition that I have ever met.

The Prisoner (contemptuously)—That is the best you can do, is it? That indicates your brain.

The witness further stated on cross-examination that he had expressed the opinion that the prisoner ought to be hanged.

Without concluding the cross-examination the court at three o'clock adjourned.

CHAPTER XIII.

One Juror sick.—Guiteau's Original Statement of his Motive for the Murder, Patriotism.—When the Inspiration Plea was Announced.—Guiteau very insulting

THE court was called to order on the 14th day of December at ten o'clock sharp, though the counsel for the prosecution did not enter for some minutes later. John L. Withrow, of Boston, was the first witness. His profession was stated by the prisoner as "the honorable pastor of the Park Street Church, in Boston, the Church I used to attend there. He is a very fine man." The witness stated that in 1877 or 1878 the prisoner had commended himself as being a coworker of Moody; he asked witness if he could lecture in witness' church—a reply to Ingersoll; witness told him "No," because he was not in that line of business; he had spoken with great earnestness, but with nothing more than earnestness, of the importance of having Ingersoll answered; at the weekly prayer meetings held at the church the prisoner was constantly taking part. Witness never introduced him to anybody, and he never asked to be introduced; he was always to witness' mind an ill-natured man. Mr. Scoville objected, and subsequently stated that he had objected because he thought that the witness was about to state his own conclusions.

"The apology," observed Judge Porter, sarcastically, was as uncalled for as the objection."

Witness then stated that he lost sight of the prisoner until the winter of 1879-80, when he met him and was told that he had opened a law office.

- Q. Did you ever see anything to indicate that he was an insane man or a man of unsound mind? A. Oh! never, not the least.
- Q. What was your impression of his character in that respect? A. I should have taken him to be a very shrewd man; I should say a very cute man, instead of shrewd.

The Prisoner—What's the difference?

The Witness-One is sharper than the other.

The District Attorney—And shorter.

The Prisoner—He did not say that. You put that in, Corkhill. You must have slept well last night.

The cross-examination elicited nothing important, the with ss stating that the prisoner's conversation would signify that he was critical and accusative rather than kind and consenting.

The Prisoner—I will help you out, Doctor. I generally took part in whatever the subject of discussion was. My mind was gritty. That is the nature of my mind—gritty. I make my words sharp and pointed. There is no sentiment or nonsense about me. If there were I would probably get through this world better. I don't go in for shaming. I do everything straight.

On re-direct examination the witness stated that the prisoner had given him a copy of "Truth." He thought it was a book indicating careless composition and thoughtless, unverified opinion.

At this point one of the jurors became indisposed and left the court room for a few minutes. The interval was occupied by the prisoner with several short speeches.

"While in Boston," he said, "I attended Dr. Withrow's church regularly. I was round the Christian Association regularly and the Christian Union regularly, and I associated with high-toned Christian people. I say this for Corkhill's benefit, on the ground of total depravity. I always have associated with high-toned people. I don't know any dead beats or disreputable characters of either sex." (After a pause.) "The object of this kind of examination is to settle this question—whether I knew I was doing wrong or not. My free agency was destroyed, and I hadn't any choice; and I will take my chance with this court and this jury and the Lord on that point. The question is not whether I was insane five years ago, but whether I was a free agent at the time I killed the President. That kills your theory. That is the question for the Court to pass upon. It is not the question of right or wrong, but of a free agency. I am not hear to save my neck from the gallows. I am here for right, for justice, for vindication. That is all I have got for that. When I go before the jury I am going to talk to them on that. This is simply an incidental speech to put in the time. (Laughter.)

The next witness was Charles A. Bryan, city clerk of the Equitable Life Insurance Company, of New York. He first saw the prisoner in February, 1881, when he called to inquire what commission would be allowed for obtaining applications for insurance; he brought in an application and asked for a loan or advance, which he did not get; he came in the next day and pressed his claim for a loan or advance, but the witness did not entertain the proposition; he handed the witness a copy of his speech, "Garfield against Hancock," and spoke of his familiarity with "Jim" Blaine and other leading men of the Republican party.

The Prisoner—That is false. I never spoke of him except as "Mr." Blaine or "Secretary" Blaine. I asked you for money two or three times, and you gave it to me. What is the use in lying about it? (To the Court, on being reproved, after interrupting the witness.) When a man comes here and makes a statement which I know is wholly false I say to him, "That's false." If he persists I say to him, "You are a liar;" and if he still persists I say to him, "You are an infernal whelp." That is as far as I go. That is equal to the bar-room language of consigning a man down below. (To the witness.) Confine yourself to facts and you will be allowed to testify, not otherwise. You gave me \$15 and kept it back out of my \$40 share of the commission on the application that I brought into the office.

The witness went on to say that the prisoner became importunate for a loan; witness had in the meantime investigated the proposed risk and advanced him \$5; the prisoner said he was a prominent applicant for the position of consulat Paris, and that he would soon go to Washington to obtain his appointment; he came into the office on the 5th of March and pleaded very hard for another advance; the witness was surprised to see him, as he thought he had gone to Washington to look after his appointment, but the prisoner said he had not the money to go to Washington; the witness then gave him \$10 with the understanding that when the matter was consummated he should receive the difference.

The Prisoner—The commission amounted to \$90; Bryan got \$50 of it and I got \$40.

The witness produced two letters written to him by the prisoner from Washington, and said that he had received

quite an avalanche of letters from him. He had never seen anything in the prisoner indicative of unsoundness of mind, but thought him a pretty shrewd sort of a fellow.

In cross-examination the witness said that the commission in the case brought into the office amounted to \$90.

"Yes (said the prisoner); he kept \$50 for himself and gave me \$40. Perhaps he collected commission on others of my cases and euchered me out of my commission."

Q. Have you ever expressed an opinion as to the guilt or innocence of the prisoner? A. I was not aware that there was any question about his guilt.

Q. Have you expressed an opinion as to whether he ought to be hung or not? A. If I have expressed an opinion about it, it was that he ought to be hung. That is my opinion now.

Mr. Scoville—And you can come here for the purpose of doing your share toward hanging him?

The Witness—Not at all. The idea of coming here was very repulsive to me.

The Prisoner—He came here to do his share of lying. That is the way to put it.

Henry M. Collyer was the next witness, and as soon as he had taken the stand the prisoner as usual proceeded to introduce him to the Court and audience. "Oh, I remember you as the man that put up that *Herald* job on me! This is the man who represented Reese Brothers & Co., of Chicago, at the time I was tried before Judge Donohue. Judge Donohue said that I had a right to retain the money, and then the *Herald* came out with its sensational editorial."

The witness stated that Reese Brothers & Co. had given him a claim upon the prisoner, who had collected money and not paid it over. Witness had asked prisoner if he had collected the money. Prisoner acknowledged that he had collected \$175 through his attorney at Meridian. Witness had asked as to the balance (the claim was for \$275). He said he had instructed his attorney to bring suit for the balance. The witness asked him whether it was not true that he had surrendered the notes of indebtedness and compromise for \$175, and prisoner replied that it was not true. He said that he was entitled to fifty per cent. of the full amount of the claim, that he had got his half and when he got the other half he would settle with Reese Brothers & Co.

Witness produced several of Guiteau's letters corroborating his statement, and in the further course of his examination said that he told the prisoner that he was a thief and a scoundrel.

The Prisoner—You never said that, or I would have knocked you down at the time, though I wouldn't do it now. I am not in that business.

Pending the cross-examination the Court stated that one of the jurors complained of being ill. Another of the jurors stated that his colleague was so ill that he said he could not concentrate his mind upon the evidence.

The Court (to the sick juror)—Do you think you could after recess?

The Juror-No, sir.

Mr. Davidge—I do not think that any good would be accomplished by a recess. We are deeply interested in the preservation of the health of the jury. I value the time of the Court as much as any one, but it appears to me the proper course, in view of the evident condition of the juror, is to adjourn.

Accordingly, at half-past eleven, the court adjourned.

The Guiteau jury came up smiling on the 15th day of December, and the juryman who was sick bore the appearance of having fully recovered from his indisposition. looked quite fresh and said to the deputy marshal that he was much better; that it was only an attack of indigestion, to which he was subject. The appearance of the jury attracted considerable attention, owing to the various speculations as to their ability to hold out to the end of the trial. The court room was crowded, as usual. Among the speccators were noticed about a dozen members of Congress and several members of the Bar Association, now on a visit to this city. Clarkson N. Potter, of New York; Judge Paxson of Pennsylvania, and Courtland Parker, of New Jersey, sat on the bench with Judge Cox. Secretary Folger arrived in the court room about half-past eleven, and was invited to a seat by the side of the presiding judge.

Henry M. Collier, the witness who was on the stand when the court adjourned yesterday, was recalled, and was asked by the District Attorney whether in his interview with the prisoner he had ever seen anything indicating unsoundness of mind? The question was objected to by Mr. Scoville, and thereupon the prisoner broke out: "I never saw the man but once in my life, and that was eight years ago. What does he know about this case? You might as well ask the man in the moon his opinion on that question, Corkhill. It shows how little brains you have got, Corkhill. This man saw me about five minutes, and you put him on as an expert."

The objection was sustained.

Q. From your acquaintance with the prisoner, what is your opinion as to his sanity or insanity? A. That he is perfectly sane.

Mr. Scoville—What special experience have you of insane persons?

The Witness—Only the usual experience which attorneys in practice have.

The Prisoner—This man was a clerk at that time. He got General Sandford to argue his cases. He had not sense enough to do so himself.

Mr. Scoville—Did you ever observe anything peculiar in his mental operations?

The Prisoner (to Mr. Scoville)—I object to that. You are making altogether too much out of this kind of fellow. You have not got much more sense than he has. I think you are badly cranked on this insanity business. You are making too much fuss over this kind of a man. He is not worth my notice. What do I know about him or care about him? I never saw him but once for three or four minutes, and that was in 1873.

The Witness (answering the question)—No, sir, not differing from the mental operations of other people.

Mr. Scoville—Was your attention directed to the question of his sanity or insanity at the time?

The Prisoner (to Mr. Scoville)—You are about as stupid as you can be, Scoville, on this subject. You have no more sense than a baby on this insanity business. You have not sense enough to know it yourself. I will tell you right to your face. Let this witness go and save the time of the Court. It is nonsense to question a man of his character who does not know anything at all about me.

The Witness (answering the question)—There was no question about his sanity or insanity.

Mr. Scoville—Have you expressed an opinion as to the guilt or innocence of the prisoner?

The Prisoner (to Mr. Scoville)—I object to that. You are as stupid as you can be, Scoville. You have not got ordinary sense to quiz a man of his calibre.

The Witness—I have expressed an opinion in general conversation.

Mr. Scoville—That he was guilty?

The Witness-No, sir.

The District Attorney—What was your opinion, when you had this aquaintance with the prisoner, as to the power of distinguishing between right and wrong?

Objected to and objection overruled.

The Witness—At that time he was perfectly competent to judge between right and wrong; if my opinion is asked for at this time, I will express it.

Mr. Scoville-What is your opinion now?

Mr. Davidge objected, and the objection was sustained.

J. M. Justice, a lawyer of Logansport, Ind., was the next witness. He testified to having been acquainted with the prisoner in Logansport in 1878; saw him nearly every day for three weeks; he was boarding at the house of William Jones.

The Prisoner—I was in Logansport for only two days and a half; I never saw you; I never knew you, and I never cared anything about you.

The Witness—He came to my office saying he was selling the life of Moody, the evangelist.

The Prisoner—That is absolutely false; I never sold any life of Moody; the only book I ever sold was my little book of lectures; I was at Logansport selling my lectures for two days and a half.

The Witness-He had a sample book with him.

The Prisoner-You have mixed somebody else up with

me, some other book agent; that is the trouble with you, I understand (violently); I want this witness to identify me; can you swear that I am the man?

The Witness-I think so.

The Prisoner (angrily)—You think so; can you swear so?

The Witness-Yes, sir.

The Prisoner (violently)—Then you are a liar; that is the short way to dispose of you; you have some one else in place of me; I will look up your record; you probably belong to the Shaw combination.

The District Attorney—Have you the book now?

The Witness—I have the book at Logansport.

The Prisoner—You produce that book, or stand convicted before the American people a liar, you infernal whelp. You are coming here and passing me off as a book agent. I was teaching the gospel by selling my own productions. I never went into the book business.

The Witness—He was identified with the Young Men's Christian Association.

The Prisoner—I did not speak to a member of the association while I was there. You are wrong on your man. (To Mr. Scoville) Catch him! I want to catch him now.

The District Attorney—Where did he make his head-quarters?

The Witness—His headquarters were at the house of William Jones.

The Prisoner—I don't know any such man. You are mistaken as to my identity.

The District Attorney—Did he leave Logansport by day or night?

The Witness-I can't state that.

The Prisoner—I left in the daytime, like a decent man.

The District Attorney—What is your opinion as to whether he was sane or insane?

The Witness—I saw nothing in his conversation or manner that indicated that he was insane; he was very frank and free in his expressions, what I saw of him.

The Prisoner-You never saw me at all.

The District Attorney—What is your opinion as to his power to distinguish between right and wrong?

The Witness—From what I saw of him I would say that I thought him a person able to distinguish between right and wrong at that time.

Mr. Scoville objected to the question and answer. Objection overruled and exception taken.

Q. Where is that book? A. In the possession of William Jones; he occupies my residence now.

The Prisoner—I didn't suppose you had brains enough to own any property. You must have swindled somebody out of it.

Q. What was the subject of your conversations? A. It was relative to the life of Moody, the evangelist, I think.

The Prisoner—You begin to think of it now. Before you were positive. That shows you are lying.

Q. Did you read the book? A. He did not have the book, only a sample copy.

Q. The book you have, did you receive it from him? A. No; from William Jones.

Mr. Scoville—I want you to send for that book and not to depart from the court until it comes.

The witness stated that he would have to send to Logansport for it.

The Prisoner—Send the bill to Corkhill. He will give you a little draft on the Treasury, paying you \$100 to prove a lie. It goes on the record in that shape, signed by this man Corkhill.

Q. Did you ever see the prisoner from that day to this? A. I never did.

Q. Do you notice any difference in his personal appearance? A. I notice one little difference in his eye; he has not quite the appearance here that he had there; there was a free expression there; here there is a slightly suppressed expression of the eye.

The Prisoner—I don't think I am suppressed this morning. I think I am pretty lively.

Q. State what you mean by slightly suppressed.

The Prisoner—He is lying; there is no use wasting time on him.

Answer-It indicates fear to me.

The Prisoner—I don't feel very fearful; I don't think a man who has the Almighty back of him need feel fear. (As he continued the prisoner became more and more violent, and emphasized his words with blows upon the table). I defy the whole world, if necessary, in the name of God Almighty and Jesus Christ; I dreamed last night that some fellow shot at me, but did not hit me; I dreamed it went through my eye (indicating), but I woke up and was not hit; I have no fears of being shot; God Almighty will knock down any man who attempts to shoot me; I am in the charge of the police during the day and of the national guards during the night; some crank is at work on this business because of Corkhill digging up my record; that is Corkhill's way; the first thing I know the Lord Almighty will take that fellow out and put him below; he

is getting too dirty and stinking to live. That is my opinion of you, Corkhill. You intercepted my letters and got the American people enraged against me because the papers were suppressed. You are a low, dirty whelp, and God Almighty will get even with you for this kind of work. You have been stirring up the American people against me by your infernal witnesses.

Mr. Scoville—What do you mean by a suppressed expression?

The Witness—A wild appearance, different from what I saw in his face at Logansport.

The Rev. Dr. Shippen, pastor of All Souls Church, in this city, was the next witness, and testified that he and the prisoner boarded at the same time at the house of Mrs. Grant, and became casually acquainted; the question of the prisoner's sanity never occurred to him; he (Guiteau) seemed a little peculiar—that is, nervous and quick of speech—but witness thought him as "straight" as any one; there was nothing about him to suggest insanity.

Mrs. Dunmire, the prisoner's former wife, was then called to the stand and had just begun to relate the circumstances of her marriage to the prisoner when Mr. Scoville raised the objection that a wife could not testify against her husband. The District Attorney offered the decree of divorce to show that the witness was no longer the prisoner's wife; but Judge Cox ruled that the whole court record must be produced, and the examination of the witness was therefore temporarily suspended.

Dr. Wilson Noble, of Washington, physician to the jail in which Guiteau is confined, was then called, and testified that the prisoner had suffered a little from malaria during his imprisonment, but had otherwise been well; his pulse, temperature and respiration were perfectly normal; some time after the President's death witness had a talk with the prisoner about the "removal" of the President, as the prisoner called it, and asked him why he did the act; he said he was inspired to do it; "But," said the witness, "what was very remarkable was that he qualified the inspiration by saying that if the President should die he would be confirmed in his belief that it was inspiration;" the witness asked him one day why if he was commanded to do the deed by the Almighty he should now be willing to lay the President's death on the doctors; his answer was that things must take their natural course; witness had never thought of the prisoner's insanity at first, but after that question was publicly agitated witness examined him in regard to it, and for the last three weeks before the trial witness was specially observant of any physical changes that might occur, and he saw none.

The District Attorney—From your conversations with and your observations of the prisoner what is your opinion of his sanity or insanity? The Witness (with a smile of incredulity)—He is a perfectly sane man; as bright and intelligent a man as you would see in a summer day; bright, quick and intelligent; I never saw anything in him that savored of insanity; he is of nervous temperament, a very quick, impulsive man, a little impatient of restraint, sometimes demanding a little more than is usually allowed to prisoners; but there never was any evidence whatever to my mind (that is comparing him with other men under similar circumstances) of insanity.

In the course of cross-examination the prisoner gave his version of the interview detailed by the witness. He said: "The question came up, 'Suppose the President recovers?'

I said, 'If he does it is because the Lord has countermanded His order, just as He did in the case of Abraham; He countermanded the order.' But, as a matter of fact, the President died; therefore the Lord confirmed the act."

Then addressing himself to the prosecuting counsel, he continued in an excited tone: "And the Lord will take care of me, too, gentlemen; I am entirely satisfied with the way He is taking care of me."

The witness was asked by Mr. Scoville whether it was possible to administer digitalis in the prisoner's coffee without his knowing it. The witness replied in the affirmative, and the prisoner remarked, "They would not do it, Mr. Scoville, in the jail. They think me a good fellow, and they take good care of me."

Mrs. Scoville (the prisoner's sister) then said she would like to put a very important question to the witness, but Mr. Scoville objected. The prisoner told her angrily to mind her business, and she finally submitted the question to Mr. Scoville in writing. The latter declined to ask it.

In further cross-examination the witness said he had examined the prisoner's eyes and that he found them normal; he never judged insanity by the countenance or appearance of a person; he had seen nothing in the prisoner out of the ordinary course.

The prisoner took Mr. Scoville to task for some of his questions and said: "You're examining the witness for the other side, Scoville, aren't you? One would think so. You are about as stupid a man this morning as I know. I guess that lecture was too much for you last night." As the cross-examination was closed the prisoner exclaimed: "Thank you, Doctor, you can go now."

Mrs. Scoville-No, he cannot.

The Prisoner (to his sister)—You are altogether too officious. Just keep quiet. Attend to your own affairs, and let me alone.

Mr. Scoville (to the witness)—That is all, Doctor. (Expression of disapproval on the part of Mrs. Scoville.)

The next witness was Joseph A. Reynolds, a lawyer, of Chicago. He detailed his acquaintance with the prisoner when he first came in May, 1868, as a law student in his office, and afterward, in May, 1875, when he occupied a desk there. He visited the prisoner in jail on the 14th of July, and made a memorandum of his conversation, which (after objection on the part of Mr. Scoville) he proceeded to read, as follows: "I watched with considerable interest how he would introduce the subject. He alluded to it first by asking where I was on the day of the assassination. He said: "Where was you on the day of the assassination? Have you seen General Logan since then? I expected he would come to Washington. He will come when the President is dead." Then he referred to other individuals. He said: "I knew Byron Andrews in Chicago several years ago; he was a reporter for the Daily News; I met him here; he is correspondent for the Inter-Ocean; that is the only stalwart paper in Chicago; I went to New York a week after the Chicago Convention; I was actually engaged in the campaign making speeches, etc., till the day after election; I first saw Arthur, Conkling, and General Grant at headquarters, and became well acquainted with them." The witness here corrected his reading, and said that the word "Conkling" should be "Cornell."

"You are mistaken there," said the prisoner. "It should be Conkling, because I did not know Cornell, but Conkling and those other men I did know." The Witness (continuing to read)—I used to see Conkling and Logan and Storrs there sometimes. General Grant's work did not amount to much; but it was Conkling that elected Garfield. He did not care that (a snap of his finger) for Garfield. He made his fight for Arthur, as we all did.

The Prisoner—That part is erroneous.

The Witness (continuing to read)—The New York Herald is publishing my life, my address, etc. I have been dictating it to a Herald reporter, who takes it in shorthand. The Herald is publishing several columns of it every day.

The Prisoner—That is what I understood; but it was false. That was one of Corkhill's lies.

The Witness (reading)—I am going to have the Harpers publish my life, my address, and my work, all in one book. It will make about six or eight hundred pages. When all this matter gets before the people, and they know just why I assassinated the President—

The District Attorney (interrupting)—Did he use the word "assassinated?"

The Witness-He did.

The Prisoner (in a light, laughing tone)—I never said so. I always spoke of it as a removal.

The Witness—After that time he changed the expression and used the word "removal;" I recollect distinctly that he used here the word "assassination." (Resuming the reading.) When all this matter gets before the people, and they know just why I assassinated the President, there will be a big reaction in my favor. Such papers as the New York Herald, the Inter-Ocean, and the National Republican, and such men as Mr. Conkling, General Grant, General Arthur, and General Logan, will, at the proper time, make them-

selves known as my friends. I do not know how long I will have to remain here. It depends upon how soon the President dies. Then I will go abroad for a year or two.

The Prisoner—That is erroneous.

The Witness (continuing to read)—I have an understanding with Colonel Corkhill; he is not going to push this thing till the people are on my side.

The Prisoner—That is what Corkhill said, but he lied about it. That is the way he played double with me all last summer. I have found him out now as a first-class fraud.

The Witness (continuing to read)—And I will then be discharged on a writ of habeas corpus. That was what took place at the first interview.

In reply to questions witness then said that he made this memorandum about fifteen minutes after the conversation ended; that the prisoner made no reference to inspiration in this interview, nor to any divine command. The witness stated that the second interview took place on the 15th of July.

The Prisoner (excitedly)—I want to ask the General if he was in the employ of Corkhill at that time. He pretended to be my friend. If he came in disguise as a detective I want the fact shown to the American people. That only shows the trickery of this prosecution from the start. Corkhill is the man that did it and the Lord Almighty will curse him for it. Mark my words for that, man!

The witness then proceeded to read from memoranda the conversation at the second interview. He said: I first thought of removing the President about six weeks ago. It was the situation at Albany that suggested it to me.

The Prisoner—That is true. The political situation—that is what I have been thundering from the start.

The Witness (reading)—As the faction fight became more bitter I (Guiteau) became more decided to remove the President; I knew that Arthur would become President, and that it would help Conkling, for the Legislature would elect Conkling on the first ballot after Arthur is President; the Blaine element will disappear. He will surround himself with such men as Conkling, Grant, Logan, Morton and Storrs. If I had not seen that the President was doing a wrong to the Republican party I would not have assassinated him; I wrote to General Sherman about two weeks before the shooting and the letter to the White House the day before; that is, the day that the National Republican said that the President was wrecking the Republican party.

The Prisoner—And that is just what Gorham said. The little whelp is going right back on his own words to-day. He is hanging around Arthur to get an important office. If Gorham has no more brain than to eat his own words Arthur had better kick him out.

The Witness—"They well know," he said, "that I placed them in power and for that they will not see me punished. They will have the best reason for not punishing me, because there was no malice in my act of shooting the President. It was a patriotic act. I thought my friends would come to see me by the hundreds. I expect them when President Garfield is dead. It is proper they should not come now."

That is the substance of the second interview.

In the third interview—18th of July—I told him the chances were the President would recover, and that the New York Legislature had elected Mr. Miller; I read him

newspaper interviews with Grant, Conkling and Logan, condemnatory of his act; when I told him about the President he seemed very much disappointed, and when I read what the papers said he was very much stupefied, and apparently did not know what it meant; he appeared in great agony and paced the room for ten minutes, and used the words, "Most astounding" repeatedly; he then passed his hand over his forehead, as if he were befogged in his mind, and expressed his ideas about those men. The first words he said were: "Those men and the press for two months were denouncing President Garfield in the bitterest terms. They were bitter, bitter, bitter against him. What does it mean? I would have staked my life they would defend me. They pretend only to see the bloody work of an assassin. They did want Garfield removed. They raise this ery against me for fear that blame may attach to them." After a pause he said: "I am glad he lives." After another pause he said, eagerly: "Is there no mistake about that? These stalwarts are horrified out of their senses for fear they will be suspected. Do they know that I have stated that I had no accomplices?" I said, "They do;" then he repeated the words, "Most astounding!" he said, "The idea of General Logan saying I was insane; I am not any more insane than he is;" he then asked for pen and paper and wrote an address to the American people.

The Prisoner (contemptuously)—You were a pretty sharp detective, weren't you, General? You'll probably get some more business in that line. You came there as a personal friend and got that information. I don't care a snap about it, gentlemen of the jury. I am glad he got it. It only shows the deceptive character of the prosecution. If you expect to succeed, Mr. Corkhill (he snarled at the District

Attorney), you will find you can't do it. The Lord Almighty will strike you dead, like he did Ananias and Sapphira. I am going straight on in this matter.

Mr. Porter read the address to the American people, the substance of which has already been published and the expressions in which were endorsed by the prisoner.

The Court then, at half-past twelve, took a recess for half an hour.

After the recess and during a pause before the resumption of proceedings the prisoner delivered a long harangue with regard to the need of money to carry on his defence. He wanted, he said, to notify those officers who had benefited by his inspiration—who would not be in their present fat places if it had not been for his act—that he needed money and that they should respond and send in money for his defence. Mrs. Garfield, he said, had received \$200,000 or \$300,000 and it was a noble thing. Now he (Guiteau) wanted them to send him some. In conclusion he said, if these fellows who have benefited by my inspiration are ashamed to send their names they may send the money on the sly, and we shall say nothing about their name. But we want the money—we want the money. Mr. Reynolds again came to the stand and identified as being in the prisoner's handwriting, an application for \$2,500 insurance in the Mutual Life Insurance Company of Charles J. Guiteau containing the usual question as to whether there was any insanity in the family, to which there was a negative reply.

The District Attorney (to the witness)—Go on with your narrative of the third interview. You have heard the address that has been read. Did he write it in your presence?

The Witness-He did.

Q. Did he write any other document? A. Not at that interview.

The Prisoner—What did you promise to do with it?

The District Attorney—It will be time enough to ask that question when you cross-examine him.

The Prisoner—I want to catch him twice.

The Witness—When he gave me the paper he requested me to take it to Mr. Gorham, of the National Republican, and have it published, and also to inform Mr. Gorham of the facts alleged, and that he (the prisoner) had been outrageously deceived and should have some recognition; he said that I should be very imperative in my request to have it published; I told him that if I made known to the public anything that occurred there I should be violating the confidence of the officers who permitted me to visit him.

The Prisoner—You did not say anything of the kind. You came as a personal friend, as I supposed.

The Witness—But that I would keep the paper and see what could be made of it.

The Prisoner—He told me that he had a case in the Treasury, and thought he would be successful, but it seems that he was a government detective.

The Witness—He requested that I should come to see him again the next morning, as he might have something further to say or to communicate in writing, and I promised that I would do so; I also informed him that the indications at that time were that the attempted assassination had made Garfield the idol of the whole people, and that opposition to him in the Republican party was a thing of the past; the fourth visit was on the morning of July 19th, about nine o'clock; he repeated to me what he proposed to

issue as an address to the public, and then I requested that he should write it down, and he did write it down and handed it to me; the address had been composed before I got there; but he copied it and gave me the copy (handing it to the District Attorney); he was very much more calm than the night before, but he seemed dispirited and considerably dejected; he said that he thought that when the President had entirely recovered (if he did recover) there would be a great change in the public mind in regard to his act; he said that the people would not be so violent against him, and that his friends could and would come cautiously to his assistance and make the people see the act in the right light; that it arose from patriotic motives, and not from malice or anything else. ("Correct," said the prisoner.) In reply to a question from me he said that whenever his mind turned to the subject of the removal of the President he thought of the articles published in the New York Herald and in the National Republican and Critic, of Washington, and that the treatment of the President by those papers encouraged him to the act. ("That is correct," said the prisoner.)

The District Attorney then proceeded to read the address of the 19th of July, as follows:

"To the Public:—If this dispensation of the President unites the Conkling and Blaine elements of the Republican party I shall be delighted to hear of President Garfield's speedy recovery. But if the Blaine and Conkling elements are to continue at swords' points, as they were prior to the attempted removal of the President, I say that the President had better go rather than have the government go into the hands of the ex-rebels and their Northern allies. My sole object in removing General Garfield was

to unite the contending factions of the Republican party and keep the government in their control. If General Arthur should become President I wish him to treat the Blaine element with the utmost consideration and tenderness, so as to unite the two factions of the Republican party, to the end that they keep control of the national government. This is the sole object that I had in attempting to remove President Garfield. I want the American people to see it in that way, and then they will understand me. In my book, which I expect to have printed shortly, I have set forth this idea in detail, and have given all the facts and circumstances of this matter, together with a short, pointed and graphic account of my life, and I refer the public to that book. The idea that I am a disappointed office-seeker and that I shot the President from malice is preposterous. My motive was purely patriotic. Not a soul in the universe knew of my purpose to remove the President. It was my own conception and execution, and, whether right or wrong, I take the entire responsibility of it. A month ago certain newspapers were denouncing President Garfield in the bitterest terms for wrecking the Republican party. To-day these very newspapers are deifying him and denouncing me for attempting to save the Republican party. This shows what turncoats some editors are. Such editors need to go slow. They have lost sight of the political situation and are horrified out of their senses by President Garfield's condition. Whether he live or die I have got the inspiration worked out of me."

Here Mr. Porter rose, and, addressing the jury slowly and in solemn tones, said: "I wish to call attention to the fact that this 'inspiration' originated on the 19th day of July."

The Prisoner—It did not do anything of the kind. It originated on the 16th of May or thereabouts.

Mr. Scoville protested indignantly against this appeal to the jury, and insisted that it should be withdrawn.

Mr. Porter—I withdraw no utterance that I have made in this case.

The Prisoner (insolently)—It is of no consequence whether you do or not, Mr. Big Mouth Porter.

Mr. Porter—I say that the time when the "inspiration" first appeared was the day after this prisoner found that Conkling and Grant and all of these men loathed and abhorred his act.

The Prisoner—That is absolutely false.

The Court (to Mr. Porter)—The remark was a little premature.

Mr. Scoville-Decidedly "previous."

The Prisoner—It only shows the man's stupidity; the first utterance about inspiration was on the 18th of June.

The District Attorney (again reading the address)—"Whether he lives or dies I have got the inspiration worked out of me."

The Prisoner—Do you not know what that means, Corkhill? It means that I did my duty and that the Lord had discharged me from all further responsibility in the matter.

The District Attorney (continuing to read)—"And should he recover and I meet him on the street I never should attempt to remove him again."

The Prisoner—No; nor should I. If he were alive today—why? Because I have got the inspiration worked out of me. He might have recovered; but the Lord did not want him to recover. The American people wanted him to recover; but the Lord did not. The Lord is omnipotent. (Then turning toward the District Attorney he said): The mills of the gods grind slow, but they grind sure, and they will grind you to atoms yet. I would not give much for you.

The District Attorney (concluding the reading)—"My motives were purely patriotic and I leave the results with

the Lord."

To the Witness—Did you ever see in the prisoner anything to indicate that he was a man of unsound mind? A. I never did.

The District Attorney then read several letters of the prisoner which were identified by the witness, and among which were one to the New York Herald with regard to publishing the story of his life, one to Harper Brothers relative to the publication of his book, and one to the Librarian of Congress about a copyright.

Mr. Scoville excepted to the reception of these letters.

The cross-examination was then proceeded with. Mr. Scoville questioned the witness closely as to the cause of his coming to Washington, and he finally stated that he came here on indefinite information that the Attorney General and Secretary Kirkwood desired to see him.

The Prisoner—You told me you came to settle up an old Treasury claim. That is the kind of man you are. Why didn't you tell me that? What did you want to sneak into my cell for? You're a nice specimen of humanity. You have proved yourself a low, dirty scoundrel. You are trying to hang me if you can. You must have a high opinion of yourself. A nice record you will have in Chicago, Reynolds, when you get back. Not one word

Reynolds has said I wish to withdraw, but I do not like the mean, dirty way in which they got the information. It is a mean, contemptible way.

In reply to further questions by Mr. Scoville, witness said he made no misrepresentations to the prisoner; he was asked to go to the jail to see him by the Attorney General and Secretary Kirkwood; he went as a matter of curiosity to some extent—that is, to see whether the prisoner had changed any since he saw him last; he received no pay except \$83 for his expenses; he shook hands with the prisoner; said he was glad to see him and expressed solicitude as to his condition.

Q. You were admitted as a gentleman who would not betray confidence? A. I suppose so.

The Prisoner—He gave me his personal honor that these conversations should never be mentioned again, and he has come and blown the whole thing out.

- Q. Did you ever act as a spy before? A: I never did, nor since; nor at that time.
- Q. Have you not told persons in Chicago that you considered Guiteau insane? A. No, sir; when I wanted to get rid of a person I may have answered lightly by saying that he was a queer person; I have expressed a positive opinion to no one.

At this point the prisoner got very indignant with Mr. Scoville for his slowness in examining the witness, and broke in with: Ask him if my aunt's my uncle. You talk and talk here and you don't amount to a snap. You ought to take some lessons from me and make your questions sharp and pointed. You're worse than Corkhill, and he's bad enough. It's about three o'clock, Your Honor—about time to go home. (To the witness)—General, you

can go home, as far as I am concerned. Scoville will fool away two hours more before he gets through. He is making an ass of himself and won't prove anything by this loose zigzag kind of talk. He has no brain for this business.

The court then, at three o'clock, adjourned.

CHAPTER XIV.

Guiteau's Head.—Testimony of Drs. Loring and A. M. Lane, Harris, etc.—Guiteau's Wrath upon his Counsel and the Witnesses.—His Former Wife Testifies, "She never discovered that he was Insane."—Mysterious Missives to Guiteau.—A Statement of the Prisoner.—A visit from his Divorced Wife.

THE court opened on the morning of December 16th with a crowded room, the audience being such as one would see in a first class theatre. The bailiff, before formally announcing the court in session, cried, "Hats off, gentlemen!" It was evident that most of the ladies present had never seen Guiteau, for when he came in there was a general commotion among the spectators, many arising to their feet. After glancing over a newspaper Guiteau examined the printed testimony of the day previous. It was over ten minutes before the attorneys for the government came in, and Guiteau remarked aloud, "I understand General Reynolds is sick. I wonder if Corkhill is sick. It's about time they are getting sick, they got more yesterday than they wanted."

When it was announced that Mrs. Dunmire, Guiteau's divorced wife would testify, a number of ladies left the room, for Guiteau had threatened to rip up Mrs. Dunmire's record. As soon as Mrs. Dunmire took the stand Guiteau's excitability became all the more apparent. He cried out, "I don't think there'll be any smut in the examination of

this witness unless that man Corkhill digs up this filth. The people need not leave." He continued to abuse Mr. Corkhill, whom he termed a hog, and charged with traducing the character of Mrs. Dunmire. In the course of his tirade he said, "I made General Arthur President, and Lask him to kick this man out of this office." This caused general laughter. Mrs. Dunmire's direct examination was very short, and when Mr. Corkhill said, "You can take the witness," Guiteau sneeringly replied, "I don't want the witness: this is the most decent thing you have ever done, Corkhill." In a short while after Mr. Scoville began the cross-examination Guiteau again flew into a passion and heaped a torrent of abuse upon his faithful attorney; but, strange to say, as the audience roared at the invectives which he launched forth Guiteau was seized with a paroxysm of laughter. He swayed his body to and fro, looking first to one side and then to the other. He continued to laugh for a minute or more and finally rested his head on the table. Guiteau was not silent long. Looking at Mr. Scoville he said, "You had better go to bed, you made yourself a perfect fool by trying to lecture," and with this Guiteau broke out into laughter, and the audience joined in the merriment which he had caused.

The counsel for the prosecution entered the court room on that morning ten minutes after the court had been opened.

The prisoner was not able to control himself all this time, but broke out with, "I understand that General Reynolds is sick this morning. I wonder if Corkhill is. He got more than he wanted yesterday. It is about time for Corkhill to get sick and stay sick."

The District Attorney stated that he desired to interrupt

the cross-examination of General Reynolds for the present, and called to the stand George D. Barnard, Deputy Clerk of the Supreme Court of Kings county, New York. He produced the original record in the case of Anna Guiteau against Charles J. Guiteau, application for divorce.

Mr. Scoville objected, but the objection was overruled and the decree admitted in evidence. The District Attorney then proceeded to read the record, which shows that in 1874 a decree of divorce was granted to Anna Guiteau on the ground of her husband's adultery.

When the reading was concluded the prisoner cried out:—This woman Jennings was a high-toned first-class woman of New York. It was a matter of money between us. I committed the act of adultery to get rid of a woman I did not love and ought not to have married. That's all there is to this case. I thought it better, more moral, more Christian every way to have a divorce obtained than to live along year after year and have children by her. As a matter of conscience and principle I committed adultery. I have been strictly virtuous for six or seven years. I can go to New York and get married to-morrow if I want to.

J. S. Reynolds was then recalled to the stand and cross-examined by Scoville.

Q. You received from the prisoner the address to the American people. What did you promise to do with it? A. I said I would keep it.

The Prisoner—You told me you would go to the New York Associated Press and furnish it with a copy, that you would give it to the *Commercial Advertiser* and also to Gorham's little *Republican*, and you lied every time.

The Witness—I also told him that I could not make public anything he gave me at that time without a breach of confidence to a government officer.

The Prisoner—All this disability is occasioned by my papers being suppressed by Corkhill, but the Lord Almighty will get even with him some time for persecuting a righteous man.

Mr. Scoville read a letter written by the witness to the prisoner on the 25th of July, 1881, stating that no paper in the country had mentioned his (the witness') visits to the prisoner in jail, and adding, "Anything you write me will be sacred from the public, unless it be some communication which you desire to reach the public." He asked the witness whether the disclosures made by him yesterday could be called as "kept sacred from the public."

The witness replied that he had not testified to anything occurring since the date of that letter.

The prisoner broke in with frequent interruptions, both of the witness and of Mr. Scoville, telling the witness that he was lying, and that he had played the part of a miserable spy, and telling his counsel that he was not "pert" this morning in his cross-examination, and that he had better "let out the job," as he had not sense enough to look ahead and see what he was striking at.

The witness stated in response to a question by the District Attorney that besides the personal motive of curiosity, his reason for visiting the jail was to ascertain whether there was any socialistic plot in the assassination, and he was satisfied that there was not, and that the prisoner had no associate.

"That is entirely too thin," said the prisoner. "You went there as the special agent of the government. What is the use of lying about it?"

Mr. Scoville having looked over the memorandum from which the witness had read yesterday discovered parts that

had not been read—as, for instance, an expression by the prisoner that the socialists were a bad lot and were cranked, and a declaration from him that he could rank with Conkling, Logan and other Republican leaders.

"I never said (exclaimed the prisoner) that I could rank with them, but as a matter of fact I think I could."

The witness on being pressed by Mr. Scoville to state why he had made memoranda of his visits to the jail, if he had not expected to make use of them, replied that it was to give correct information to the Attorney-General, and that after each interview he recited to the Attorney-General and the District Attorney what had occurred, using his memoranda for the purpose.

The District Attorney proceeded to read newspaper extracts which the last witness had brought to the jail and read to the prisoner. They comprised telegraphic despatches from Senator Conkling, expressing abhorrence of the prisoner's act; also reports of interviews with Fred Grant, Senator Logan and others; also editorials on the assassination. The reading of them by the District Attorney was interrupted by exclamations from the prisoner, of which the following are types: "That is false; General Grant was always very kind and polite to me. He liked the ring of my speech." "That is what Fred Grant says. He is a nice youth, is he not? He is too lazy to get a decent living. He is a dead beat, not I." "I used to be a member of Beecher's church. He was supposed to be a virtuous man then, and perhaps he is now." "I used to go up to Logan, pat him on the back, and say, 'How are you, General?' and he would say, 'How are you, Guiteau?' He thought I was a good fellow. Then they all turned against me, just as Peter did when he denied the Saviour

when he was on the cross and in trouble. But they have got over it now, and are coming up like proper men." "My life would have been snuffed out at the depot that morning if God Almighty had not protected me. I was thinking about it this morning when I awoke, and it seemed to me that the act was the most audacious thing a man could do—to shoot down the President, surrounded by Cabinet officers and the police. I would not do it again for \$1,000,000. But I was in such a desperate state of mind under the pressure upon me that I could not have resisted it if I were to be shot the next moment. My free agency was destroyed." In reference to another newspaper extract, speaking of Guiteau's boast that if he got the Austrian Mission he would fill the position with proper dignity, he said, "That part is true." [Laughter.]

Mrs. Ellen C. Grant, of Fourteenth Street, Washington, was called as the next witness. As she took the stand the prisoner gave her his usual introduction, saying that she was a very fine lady and kept a first-class boarding-house, and that he owed her \$47. Then he added: "I will pay you very shortly, Mrs. Grant. If these men do not respond that I called upon yesterday, I will call their names right out in the meeting." The witness testified that the prisoner had boarded in her house forty-one days, leaving on the last day of June. "That was," said the District Attorney, "two days before the murder of the President."

"The doctors did that," said the prisoner; "I simply shot at him."

The witness stated in response to questions by the District Attorney that she never noticed in the prisoner anything indicating unsoundness of mind; she had considered him as intelligent as any one in her house; she had noticed nothing peculiar about him.

When Mr. Scoville commenced to ask the witness as to her competency to form an opinion about insanity and whether she had expressed an opinion that the prisoner was insane, the prisoner broke out, "Mrs. Grant is close-mouthed like myself. There is no use quizzing her on cross-examination, Scoville. You are as stupid as a jackass this morning. You have not got brains enough for this business. Your place is in examining abstracts of title in Chicago. That is all you are fit for as a lawyer."

The District Attorney called as the next witness Mrs. Anna Dunmire, the prisoner's divorced wife. As some spectators were trying to leave the court room at this juncture, the prisoner encouraged them to remain, saying that there would be no smut in the examination of the witness. Then he broke out in denunciation of the District Attorney for calling her as a witness, and said, "If he was not a low, mean whelp he would not do it."

Mr. Scoville objected to the examination of the witness on the ground that any communications between her and the prisoner while living together as man and wife were privileged.

The Court overruled the objection until the point of privileged communication should be raised.

The Prisoner—This lady is married and has children, and it is an outrage for Corkhill to be permitted to call her and dig up her reputation, which I will have to do if she attempts to do me any harm. I ask the Court to stop this man Corkhill. He is an old hog. He has no conscience or character or sense, and he is using his official position to traduce this lady. If I were President of the United States I would kick that man out of office in two hours. I want to make a speech to President Arthur. There are

scores of first-class lawyers in New York city whom he knows, high-toned, Christian, conscientious men, any one of whom would be a hundred thousand times better than Corkhill. I ask President Arthur as a personal favor and in the name of the Republican party to kick this man out of office at once. I made General Arthur President and I have a right to make this personal request of him. If he is the man I take him for he will act upon it.

The District Attorney waited quietly until the prisoner had finished his abusive talk, and then proceeded to interrogate the witness. She stated she was married to the prisoner on the 3d of July, 1869, in Chicago, and that Mr. and Mrs. Scoville were present at the marriage; they lived together in Chicago until the fall of 1871, her husband being engaged in the law business: then they went to New York; she could not recollect at how many places they lived in New York, but probably they had lived at fifteen or twenty places; "probably six or seven," said the prisoner, "and I paid my board bills, too."

In New York her husband followed law and politics; he was engaged in the Greeley campaign, and expected as a reward for his services to be appointed as Minister to Chili.

"I thought I might get the Swiss mission," said the prisoner; "I never thought of Chili."

Mr. Scoville asked the witness whether she knew that from what the prisoner had told her, and when she replied in the affirmative he objected to the admission of the testimony.

Then the prisoner broke out in a protest against the whole examination and said:—"All the question here is whether my free agency was or was not destroyed at the

time I fired the shot. All this collateral evidence about my circumstances and about what I did or said or did not do or say during the last forty years has no bearing whatever on the point; and with all due respect to the Court I do not think that the Court in banc would admit it."

The District Attorney asked the witness whether, in her association with the prisoner, she had ever noticed any insanity, and her reply was, "I never did."

The District Attorney said to Mr. Scoville, "You may take the witness."

"Thank you, Mr. Corkhill," said the prisoner (ironically), "that is the decentest thing you have done on this trial. I suppose that Porter insisted on it, as he is supposed to be a decent man, and so is Mr. Davidge." Then turning to Mr. Scoville, he said, "Cut your cross-examination short, Scoville, and let us get to something else."

Mr. Scoville asked the witness whether she had stated since the 2d of July last that she had considered the prisoner of unsound mind when she lived with him. Her reply was, "No, I never have said so."

Then the prisoner opened his floodgates of abuse on Mr. Scoville, saying to him, "What is the use of going into that, Scoville? You are a consummate jackass. I would rather have a ten-year-old boy to try this case than you. You have got no brains, no conception. You cannot see a foot ahead of you. Get off the case, and I will do the business myself. I could have got three or four first-class lawyers to defend the case if you had not elbowed them out with your consummate egotism and vanity. You are taking altogether too much responsibility on yourself. I have got the heavy work myself to do before the Court and the jury."

As the prisoner finished this tirade, he bent his head on the table and indulged for some time in a quiet laugh.

After Mr. Scoville had resumed the cross-examination he made some mistake in putting a question to the witness, and said promptly, "Excuse me, I was thinking of something else."

"I should suppose you were," said the prisoner, with a self-satisfied laugh. "You had better go home and go to bed. You have never got straight since the failure of your lecture the other night."

Mr. Scoville (to the witness)—Did you state that you regretted having procured a divorce, as you should have remained with your husband and taken care of him on account of the condition of his mind?

The Witness-No, sir; I never said anything of the kind.

The Prisoner (with an expression of disgust)—You had better sit down, Scoville.

Mr. Scoville then proceeded to interrogate the witness in regard to her statement to newspaper reporters and others in Colorado, and on her way to Washington.

Again the prisoner interrupted and said: "What is the use of your going into this business? You are the biggest fool I ever met." (To the Court)—"I object to Scoville examining this witness any further; I object to it as a matter of law and as a matter of decency. He has got a lot of letters and other rubbish here, and expects to spread himself in the cross-examination."

Mr. Scoville (to witness)—Did you say to a reporter, in answer to a question, what you thought would be done to the prisoner; that he ought to be hanged?

The Witness-I did not say anything of the kind.

The prisoner broke in again with abusive remarks directed to Mr. Scoville, on account of the importance which he attached to letters written by cranks and idiots all over the country, and said that Mr. Beatty, of New Jersey, who was supposed to have written one of those letters as a "Garfield avenger," had denied it and was offering a reward of \$500 for the discovery of the author.

After some further unimportant testimony, Mr. Scoville said, "I will not ask this witness any more questions."

The prisoner himself expressed approval of this and said, "I know nothing against this lady's Christian character, except that I know her to be a high-toned Christian lady. I know her well, and have much respect for her."

After an hour's recess the Court reassembled and the District Attorney called as an expert Dr. Francis D. Loring, of Washington, physician. He stated that he had made a specialty of diseases of the eye and ear; he has been in the habit of examining the eyes of patients for the purpose of determining whether or not the appearance of the eye gives indication of disease of the brain; he examined the prisoner's eyes at the jail on the 30th of November and the 5th of December, and had found nothing in them indicating an affection of the brain; the pupils of both eyes contracted and expanded naturally; there was some inequality in the strength of the muscles moving the eyes, which, after constant reading, sometimes produced something like a squint, but that had no connection with disease of the brain.

The next witness was Dr. Allan McLane Hamilton, of New York, physician. He stated that for the past nine years he had made a special study of mental and nervous diseases, and had written extensively on the subject. He

had made three personal examinations of the prisoner and proceeded to state the points. He found him to be a man of spare build, five feet five and three-quarter inches in height, of nervous temperament, with mixed gray hair, with no apparent physical deformity, of 135 pounds weight; he found nothing whatever indicating any congenital defect; the head was slightly asymmetrical or irregular, but that was a very common thing; he found an appearance of flatness on the top of the head, but it was owing to the way the hair was cut; he had taken measurements of the prisoner's head (which he exhibited in a diagram) and said there was no irregularity of contour; the face was thin but symmetrical; the lines on either side of the nose were perfectly regular; the lips were regular, so were the teeth; in cases of idiocy and imbecility it often happens that the teeth are irregular; that there are, perhaps, two rows or some peculiar development, and he had examined the prisoner with that view; there was nothing wrong with the roof of the mouth; the mouth was perfeetly symmetrical and round; the hands were regular in shape; there was no trouble with the nails, as is generally noticed in certain kinds of congenital trouble; the fingers were symmetrical and the hands were of like size; the skin was well nourished and moist, and had none of the appearances which characterize the skin of insane persons; there was nothing to indicate any trouble with the circulation; he had examined the eyes and found that there was no trouble with them; the tongue was turned slightly to the left; but he did not attach any importance to that because the prisoner had apparently perfect control of his tongue; there was no atrophy in the tongue, as is often found in cases of congenital disease; there was no paralysis, no loss

of power of any kind, nothing indicating any disease of the brain—either that originating before birth or afterward; during the examination the prisoner's manner was perfectly quiet, and he answered politely and rationally the questions asked him; the whole circumference of the head was twenty-two inches—the measurement being taken lower than it is taken by hatters; the hatter measurement of the prisoner's head was seven and one-eighth inches, which is the average sized head; the head was perfectly symmetrical with the exception of a slight bulging on one side; there was no evidence of a bony growth on the skull, and no ridges or protuberance in the occipital process; it was a very fair sized head.

The District Attorney—State whether that examination would enable you to determine whether there was any mental disease, if it existed?

The Witness—It would, so far as external appearances go.
The District Attorney—And you did not find in the prisoner any external evidence of mental or physical disease?

The Witness-I did not.

The District Attorney—If a hereditary taint existed in a man would any attempt by him on the life of another be cool and temperate or would it be the result of a violent explosion?

The Witness—The primary insanity (as described by Dr. Kernan) is very regularly manifested, when any deliberate crime is committed by the patient, by some violent explosion of temper and some violent form of deed.

The District Attorney—Did you find in the prisoner anything indicative of any peculiar traits of character?

The Witness-I found that he was eccentric and prob-

ably ill-tempered; I judged that entirely from noticing his behaviour in court; I think he is an eccentric man.

The Prisoner—I am when I am abused. I have taken more abuse since I got into this court room than I ever did before in my life.

The District Attorney—Was there anything peculiar about the prisoner's facial expression that would strike you as significant?

The Witness-Nothing at all.

The Prisoner—I do not take much stock in these figurings of the head. It is the spirit (with a thump on the table to give emphasis to the word) that gets into a man, and that drives him to do or not to do. Get acquainted with spiritology, Doctor, and you will get more sense than with your craniology.

The witness went on to state there was great difference between the conduct of the prisoner in jail and the court room. In the jail he was remarkably quiet and self-possessed, offering the doctors every chance to examine him. His manner and behavior in court made witness think that he was "playing a part."

"I never play a part, Doctor," said the prisoner. "I go on the square. You and Spitzka do not agree. Spitzka is a much bigger man than you in the business. You are nothing but a 'sub.'" (Laughter.)

The District Attorney—Is the hereditary tendency to insanity much more prominent on the mother's side than the father's?

The Witness-It is.

The District Attorney—From your thorough physical examination of the prisoner, and your observations of him in the court room and in the jail, have you seen anything

to indicate that he is in any respect the victim of a hereditary tendency to insanity or that there is in him any condition of mental unsoundness that would prevent his distinguishing right from wrong or thoroughly realizing the full consequence of an act personally to himself and before the law?

The Witness—I believe the man to be sane, although eccentric, and to be able to distinguish between right and wrong, and to know the consequences of any act he may commit.

After the cross-examination had gone on for a little while the prisoner exclaimed: "With all respect to the Court and jury, and to the witness, I do not think that this kind of testimony amounts to a snap." (To the Witness)—"How are you going to tell whether my free agency was or was not destroyed; I swear that my free agency was destroyed by the Deity, and how is the prosecution going to prove that it was not? That is all the point that the Court and jury have to pass upon."

In the course of a protracted cross-examination the witness was asked whether, in cases of congenital insanity, there were always external indications of it. His reply was "Not always, but usually. It is not a uniform rule."

He was also asked whether there were not in insane asylums many patients having the same symmetry and regularity of outward form as the prisoner had. The answer was in the affirmative.

In the course of an inquiry as to what constituted insanity, the prisoner interposed, saying, "I will tell you what insanity is. It is an irresistible desire to do something that you cannot help doing. That is my definition of insanity. I do not care a snap about the shape of the head, or the

way that the tongue hangs. When a spirit comes over you and overpowers you (pounding on the table by way of emphasis) that is insanity."

The witness was asked whether the prisoner's scheme in regard to the *Inter-Ocean* newspaper did not prove a defect of the prisoner's reasoning power.

The reply was that it proved bad judgment on his part, but there are many men in the world who are schemers and visionaries and who have, nevertheless, capacity to reason; that was not necessarily an evidence of insanity.

Mr. Scoville represented to the Court that he was not prepared to finish the cross-examination to-day, having relied upon Mr. Reed to conduct the cross-examination of the expert witnesses: and, therefore, the Court at twenty minutes to three P. M. adjourned till to-morrow, the Guiteau case, however, going over till Monday.

After the Court adjourned a number of newspaper reporters repaired to Mr. Scowille's room to inspect the mysterious box which he had received by express. The box was sent to Charles Jules Guiteau, care of the District Attorney, by whom it was delivered to Mr. Scoville. There were many conjectures as to the contents of the box, some saying that it was an infernal machine, and others that it contained poisoned cigars. A daring reporter of a city paper took the mysterious box to the park and there managed to open it. It was a half-sized cigar box and contained a hangman's rope, to which was attached a note reading:—"From the Garfield and Arthur Club, Meyersville, Pa."

The following is a copy of a postal card received by Mr. Scoville:—

MAUCH CHUNK, Dec. 10th, 1881.

Watch the van on 21st of December. An attempt will be made on Guiteau's life. Men of Molly McGuire order are detailed to work on his life. DALE, ex-Molly.

The number of threatening letters received and the clamor of certain papers for Guiteau's execution cause Mrs. Scoville no little anxiety. Like her husband she is apprehensive that some one will take Guiteau's life before the trial is ended. The Superintendent of Police to-day received from O'Neil City, Neb., a letter with a photograph of an alleged "crank," named Utley, who had avowed his intention to come to Washington to kill Guiteau. The picture represents a handsome man, about forty years of age, and the writer of the letter states that he sent it so as to warn the police in time to have the would-be assassin arrested. The picture was given to an officer, and the police have instructions to arrest the man should they find him. Some believe the story a hoax.

Guiteau remained in his cell on the 17th day of December. There was no session of the court. A large number of the curious applied for admission to the jail and some of them were admitted. An agent of the National Associated Press succeeded in obtaining an interview with the assassin and was given a statement written by the prisoner. It is an interesting document and written in Guiteau's peculiar style. The statement is as follows:

I am requested to review my trial and give my opinion of the men who are doing it. In general I am well pleased with the Court and jury. Judge Cox I consider just the man for the case. He is able, conscientious and careful, and is disposed to give a wide latitude to all parties. I

think he believes in my idea of inspiration and he is a high-toned churchman, and therefore is disposed to do absolute justice to Deity and myself. Without the Deity's pressure the President never would have been removed. This pressure destroyed my free agency. The Deity compelled me to do this act just as a highwayman compels a man to give him money after placing a pistol to his victim's head. The victim may know it is absolutely wrong for him to give money that his wife and children need, but how can he help it with a pistol at his head?

This irresistible pressure to remove the President was upon me for thirty days and it never left me. When awake it haunted me day and night. At last the opportunity came and I shot him in the Baltimore and Potomac depot. I would not do it again for a million dollars. Only a miracle saved me from being shot or hung then and there. It was the most insane, foolhardy act possible, and no one in his right mind could have done it. But the pressure on me was so enormous I would have done it if I had died the next moment. I had no power to prevent it. The President was surrounded by his Cabinet and personal friends and two or three hundred people were in the depot. No one but a madman would think of assaulting him under such circumstances. If I had not been instantly hurried away by police I would have been shot or hung in five minutes. The Lord protected me then as he has on three other occasions since July 2d when I have been assaulted.

The gradual way the Deity removed the President is a confirmation of my original inspiration, and I am well satisfied with the Deity's conduct of this case thus far, and I have no doubt but He will continue to father the act to the

end, and so that the public will sooner or later see Providence in the act. I have an unusually bright jury and I wish them to pass on my case. I judge they are honest, conscientious and careful. They listen with the greatest interest to the testimony and addresses, and no doubt they will give this case their most solemn attention and dispose of it according to the facts and law, and I presume the high-toned, conscientious press of the nation will acquiesce in their verdict. Mr. Corkhill has introduced certain witnesses who are guilty of rank perjury. Some of them I have known nothing of for years and care nothing about. Their perjury has been so manifest and wicked it has excited my wrath and I have denounced them in plain language. I shall also show their iniquity in rebuttal by my testimony and that of others. I have denounced the District Attorney for the mean, deceptive way he has conducted the prosecution. My opinion of him is well known and I decline to notice him here. Mr. Davidge is supposed to be a high-toned lawyer and fine gentleman, and I am well pleased with his connection with the case. Judge Porter I knew years ago, when I practised law in New York. don't admire his style. He is too venomous in examination. He is supposed to be a good lawyer.

The defense has been unfortunate in having insufficient counsel. Mr. Scoville has done well considering his inexperience in criminal matters. He and I differ as to the conduct of this case. He lays too much stress on hereditary insanity. It is not the shape of the head or the hang of the tongue, but the spirit that takes possession of one, that makes them sane or insane. The science of spiritology is more important in this case than craniology, although craniology may have an important bearing on it. Mr.

Scoville nurses his fool theory as tenderly as a mother would her infant. I expected two or three first-class lawvers on the case; but we have been forced to go on without them. In the interest of truth and justice I have had to do a great deal of talking myself; but some people think my points well made. I have no egotism and only talk because the truth requires it. I am on trial for truth, for justice, for vindication. I have no fears for this world or the next, the Deity has always taken care of me and I am well satisfied with His dealings with me since He inspired me to attempt the President's removal. Had I been a marksman he would have gone at once. But it is for the better in every way that the Deity let him go as He did, because it gave the Deity an opportunity to confirm the act. It also prepared the public for the change. I am highly pleased with General Arthur. He has done splendidly in his new position. He is high-toned, conscientious and keeps his secrets. I have been especially pleased with his conciliatory spirit and wisdom towards opposition. It is exactly what I wished him to do, viz., to unite the factions of the Republican party to the end that the nation may be happy and prosperous.

CHARLES GUITEAU.

U. S. Jail, Washington, D. C., December 17, 1881.

"What do you think of that?" asked Guiteau, when the document had been read.

"Characteristic of the writer," was the response. "But you don't say what you think will be the result of the trial."

"No, I thought perhaps I better not express my opinion about that, at least not over my own signature."

"Well, now for a plain question," said the visitor. "Has your confidence in acquittal been shaken by the court proceedings of the past week or two?"

"Not in the slightest," was the emphatic response. "I am just as sure now that the Lord will take care of me as ever I was."

"But you don't want to write it over your signature?"

"No, I guess not. But you can use it in an interview with me, the same as you would with any one else."

The prisoner was in very good humor during the interview. As his visitor rose to depart he inquired of the prisoner if his brother had called to-day.

"No, not to-day," said Guiteau; "but Annie was here this morning."

"Who is Annie?"

"My divorced wife. She was here with her husband. You can write that up if you want to. They were out for a drive, she said. She did not expect to come here, but they saw the jail and concluded to make a call. They did not stay very long. She said she was sorry to see me here, but I told her the Lord would take care of me. I was considerably affected myself, but kissed her two little children, shook her hand warmly and shook hands also with Mr. Dunmire when he came and went away."

"When are they going home?"

"Right away, I guess. Annie spoke about it having been quite an effort for them to travel 2,800 miles to attend the trial. I told her I did all I could to save her, but Corkhill would have her come. She said she had a nice home in Deadwood; that it was a place of about 30,000 inhabitants, and so on. I guess she is all right, and I am

glad of it. I believe her to be an honest Christian woman

Subsequently the agent had a conversation with Mr. Scoville. He talked very freely about the case, and said he thought Corkhill did wrong to prejudge the case. Colonel Corkhill had said the country demanded the speedy execution of the assassin. It would have been better if he had said the people desired to see the man have a fair trial, but wanted no time lost.

"How much sur-rebuttal testimony is there to put in?" was asked.

"About two or three days, I guess. I shall want a whole day to cross-examine almost any one expert. I shall devote half a day yet to the one on the stand."

"Then the trial will continue during the holidays?"

"Oh, yes. Unless the jury get sick I shall not consent to a loss of a day."

Mr. Scoville continued to the effect that, although Guiteau appeared cheerful, he had really lost considerable heart. "The excitement that kept him buoyant so long has lost some of its force," said Mr. Scoville. "If he is not harmed I think he will fall into a state of imbecility and dotage."

"Do you have any fear that he will be harmed?"

"I can't tell what may happen. I get hosts of threatening letters every day, and would not be surprised if some threat should be carried into execution."

Mr. Scoville's mother is very sick and wishes him at home, hence he is in an awkward predicament. Added to this is the fact that Mr. Scoville grows more and more nervous as the case progresses, and Mr. Scoville's lot is indeed not a happy one.

CHAPTER XV

A Respite for Guiteau.—His Trial Postponed for two Days.—Death of a Juror's Wife.—He is Allowed to go Home to Bury her Remains.—General Sympathy with the Bereaved Husband.—More Testimony of Experts.—Drs. Hamilton, Worcester and Dimon on the Witness-stand.—Guiteau's Responsibility.—He was Sane.—Guiteau Attacks Mr. Scoville Fiercely.—Witness D. McLean Shaw Recalled.

On the morning of the 19th day of December when the jury entered the court room, Mr. Hobbs, the juror, whose wife had died during the previous night was bowed down with grief. The conversation of the spectators ceased, for all sympathized with him in his sad bereavement. Even the entrance of the prisoner whose face had been cleanly shaven, did not produce any commotion.

The appearance of the prisoner was greatly changed by the removal of his beard, and he looked more like a deranged man, than before. He too seemed to be somewhat agitated, his movements were quick and nervous. Before he took his seat he shook hands with his brother and sister and then said a few words to his counsel, Mr. Scoville.

Mr. Hobbs and Judge Cox held a whispering conversation relative to the time and place of the burial of the former's wife. Mr. S. F. Hobbs was so deeply affected that he nodded assent to what Judge Cox asked him, and he was told that he could have until Wednesday to bury his wife and arrange the affairs of his household. During this

conversation Guiteau was absorbed in reading the printed testimony, but with a quick motion he turned his head, and, as he dropped the pamphlet, fixed his eyes upon the weeping juror, who had gone back to his seat.

After consulting with Judge Cox, District Attorney Corkhill, referring to the death of Mrs. Hobbs, said that, while the situation was a serious one, yet the instincts of humanity demanded that the juror have the opportunity to give proper attention to the memory of his deceased wife. Mr. Scoville concurred in this, and, moreover, suggested that the Court grant Mr. Hobbs ample time and dispense with the attendance of an officer. The Court accordingly made such an order, and then adjourned until Wednesday morning. Before the Court adjourned Mr. Scoville asked that the jury be instructed not to talk with outside persons concerning the trial. He asked this as the Judge had not included such admonition in the instructions given the jury when sworn and empanelled. Judge Cox said the bailiffs would attend to this, and that the jurors must know they were not allowed to talk to any one about the case. Mr. Scoville then requested the Court to also instruct the jury against reading any newspaper, as several of them had never served on a jury before. Judge Cox so instructed and told the jury that to do so would be a misdemeanor. Immediately upon the Court's adjournment the people who were present gathered outside to see the prisoner as he was conducted to the van.

The report that Mr. Scoville felt disheartened and was about to abandon the case at this stage of the trial, was pronounced false. He merely said that in case his aged and helpless mother needed his presence that he would not hesitate to go to her bedside, and intrust the examination

of the medical experts to the skilful inquiry of his consulting attorney, Mr. Charles H. Reed. He had never intended to abandon the trial, and at the present time felt assured of securing a favorable verdict. The cross-examination of the experts is expected to reveal quite a series of interesting facts and develop some features that relate to the professional and personal career of parties who lay claim to thorough education in medical science.

The day that Mrs. Dunmire was on the stand a strange looking man, tall of stature and quite pale, with a red handkerchief around his neck, who gave his name as Cliff, spoke to Mrs. Scoville as she came out of the court house. He said he was a physician, and as Mr. Scoville needed some assistance he intended to offer his services. He was quite earnest in what he said, and came into the house where we board to see Mr. Scoville. He talked several minutes with Mr. Scoville and said he would return the next day. When he came back Mrs. Scoville was alone in the parlor. He told her that he was inspired by God and Detective McElfresh to protect Mr. Scovilie from some person who intended to kill him. He showed a silver probe which he had for this purpose, and she became somewhat alarmed. He told the landlady that he would stay all night, and he was accordingly given a room. When the servant-girl went up with water he made minute inquiry about the room in which Mr. Scoville slept, and also showed her the silver probe which he said was to be used for killing the man that intended to murder her husband. The servant was so badly frightened that it was some time before she could be made to tell what the strange man had said. The landlady notified the authorities, and about twelve o'clock at night six officers came to the boardinghouse and arrested the intruder. They kept him confined until next morning, when his brother, who is said to be a well-known citizen, had him released. His brother says that the man is subject to these spells, but at other times is sound of mind and pursues his profession, that of medicine. He had a bundle of keys with him, and said he imagined that some man from Nebraska was coming here to kill Mr. Scoville.

A plaster cast was made on Sunday, the 18th, of Guiteau's head by Clark Mills assisted by his son, Theodore Mills. After some hesitation the murderer gave his consent to have his beard shaved off, and then permitted the cast to be made. The operation was quickly performed, and Guiteau seemed to be highly pleased with the result.

On the evening of Tuesday, the 20th of December, a correspondent visited Guiteau in his cell. "I am happy to see you," the murderer responded to the "Good-evening" of the newspaper man. "I was shut off from the world so long, deprived of the newspapers and of my letters from relatives by that miserable Corkhill, that it is quite a treat now to be able to receive my friends. I have taken things easy since I was arrested, and have never allowed anything to worry me. I knew they were howling to shoot me, but this is a pretty strong place (glancing around), and I knew they could not get at me."

"A rumor was started this afternoon that you had committed suicide."

"Stuff and nonsense," laughingly said Guiteau. "What next won't they say? That's too ridiculous. Why what on earth should I want to commit suicide for? I'm perfectly satisfied with the way things are going. I have never had any doubts for the issue; the Deity has taken care of

my case thus far "—reflecting a moment—" yes, and pretty good care of me." This was said quietly, and without the slightest show of excitement, with the air of a man who announces a proposition that cannot possibly be controverted, and, naturally, who anticipates no contradiction. Once or twice afterwards, during the conversation, allusion was made by him to the interposition of the Deity, but in such a way that had the remark, taken in its connection, been disassociated from the man and all that is now known of or attributed to him, it would have suggested nothing different from the pious ejaculations of all good people who believe in an overruling Providence.

Guiteau announced his intention of cross-examining the government experts. They had not yet, he said, touched upon that mysterious influence or impulse which often impels men to do things, even in the ordinary and minute transactions of life, when there may be present no sufficient reason, either in the mind or to the senses from the surroundings, for the particular exercise of the will upon the body, as when a man suddenly feels an impulse to turn around, and on doing so finds some one of whom, perhaps, he has just been thinking, or when a man obeys what is termed a presentiment. Guiteau appeared keenly alive to business, and felt that he had been defrauded by those persons who had sold to the press their interviews with him without even offering him a division.

Theodore Mills, who took the cast of Guiteau's head, says: "The measurement of the assassin's head showed that the circumference was $23\frac{1}{4}$ inches; self-esteem, $6\frac{1}{2}$ inches, and firmness $6\frac{1}{4}$ inches. In his examination of the prisoner, he found that the faculties on the left side of the head appeared to be normal and well developed, but the

right side was almost flat, as though diseased. The front of the head was also found to be one inch shorter than behind, and it is altogether the most curiously-shaped head he has ever seen.

Mr. Scoville's attention was called to the statement. "If this statement is correct," he said, "it will sustain the theory that I have maintained throughout, and Dr. Hamilton will have to take back some of his testimony, for he testified that the head was symmetrical."

On Wednesday, the 21st day of December, the court room, in spite of the rain, was overcrowded.

It was some time before the proceedings began, Messrs. Scoville and Reed being engaged in consultation and the examination of several letters. The prisoner, leaning over, showed his brother a letter. The two read it. The audience was quite chatty, and had to be called to order by a bailiff. Before proceeding, Mr. Scoville asked the Court to enforce the rule to exclude the expert witnesses from the room while the other expert witnesses were being examined. He would not make this application if it were not that the cross-examination of each one would be precisely the same. The District Attorney—"There never was such a rule in any court in the world." The Court-"I never knew the rule enforced in the case of expert witnesses." Mr. Scoville contended that the rule was more necessary in the case of experts than in the case of any other witnesses, inasmuch as they testified only to opinions and not to facts. The Prisoner-"You state your side of the case and let the prosecution state theirs. Don't work on both sides." Mr. Davidge contended that the application made by Mr. Scoville was without precedent. Experts were mainly called, not to testify to facts, but to give their opinion for the enlightenment of the Court. There was no necessity, therefore, for excluding them. It was part of their duty to remain in court. The Prisoner (impatiently)—"I will cut this short by saying I am perfectly willing they should remain here and get all the information they can, I have so much confidence in their personal honor and integrity."

Mr. Davidge—That is what I was about to say.

The Prisoner—That's right, Judge. I will get you on my case—on my defence.

Mr. Davidge further argued in opposition to Mr. Scoville's application, which was finally refused by the Court.

The cross-examination of Dr. Hamilton was then proceeded with by Mr. Scoville. In answer to questions he said that he was not a classical scholar; that he had not studied in any literary university; the last school that he attended as a boy was the Poughkeepsie Military School; he is a graduate of the College of Physicians and Surgeons of New York.

Q. Do you consider yourself an educated scientist? A. That is for other people to judge; I have studied medicine faithfully since 1867.

A series of questions in reference to the mental operations of persons in dreams was interrupted by an objection from the District Attorney, who said that if the region of dreams was to be explored there was no telling when the case would come to a close.

Mr. Scoville explained that his object was to test the knowledge of the witness in regard to the operations of the mind.

The witness, turning to Judge Cox, remarked that his study had been of insanity as a disease.

Q. Do you understand what is meant by inspiration as

commonly understood by persons of various denominations?

A. Inspiration is a "drawing in."

Mr. Scoville—That is all that you know on the subject is it?

The Witness—I believe that the word "inspiration" is used in a very disorderly and irregular way by a variety of persons, conveying a variety of ideas.

Q. On what do you found that belief? A. On what I have heard in this court room; for instance, a good deal has been said here about inspiration.

Q. And that is how you got the information? A. Partially; I have heard the word "inspiration" used for years.

Q. When you heard it used by insane people, what has been the connection in which it was used? A. The cases in which I heard it used by insane people were usually when the individual imagined himself to be the Saviour or somebody else; I had a patient three or or four months ago who imagined that she was the bride of the Saviour; I had a patient in Dr. MacDonald's asylum who thought he was the Saviour; it is a very common thing to find insane people believing themselves members of the Trinity, and believing themselves inspired; there are a number of people who say that they are inspired, that they are pleasing God in building churches or doing certain other things; in Utah people believe themselves inspired to take three or four wives.

Q. Is that an inspiration to each particular man? A. No; it is an inspiration that is divided up. (Laughter.)

Q. What do you mean by that? A. I mean an inspiration which a number of people believe in and take to themselves; I do not suppose that every man has his own

inspiration, but their faith in the tenets of their creed goes so far as to make them believe that they are doing a good act and complying with the divine will when they take a certain number of wives.

- Q. Do you not know that that is merely an article of their creed? A. It is an article of faith.
- Q. And that the question of personal inspiration has nothing whatever to do with that practice? A. It is my impression that there is a personal inspiration; that they believe themselves to be inspired; I may be wrong; I am not an expert in Mormonism.

Mr. Davidge objected, and for this was commended by the prisoner, who invited him to defend the case.

Mr. Davidge—There is nothing scientific about this examination. We are now upon Mormonism and what sort of inspiration finds its way into that Church—whether an inspiration from the Divinity to individual man, or an inspiration fastened to doctrines of a church and percolating through its different members.

The Court overruled the objection.

- Q. Do you believe that the mental and moral existence of man is the result of a physical arrangement, and that action, feeling, religion, are properties of matter? A. I do not separate moral and physical, and I believe that all mind is the production of matter.
- Q. Then, on the matter ceasing to exist, the breathing being ceases to exist also? A. Now, you are going into theology; I am not an expert on that.
- Q. Is not that a deduction from the last answer? A. I say when the machine runs down the power disappears; when the brain dies the functions of the brain are lost.
- Q. Do you believe that the universe is controlled by spiritual agencies or beings?

Mr. Davidge-I object to that.

Mr. Scoville—Well, let us settle it here. This is a question as to whether and to what extent a person's mind may be influenced by spiritual agency. Here is a witness who may have a divided conviction one way or the other which may shape his entire testimony on that subject. This witness says, substantially, that there is nothing of a man but the body, there is nothing of mind but the brain. If he takes that position I want to test him to some extent.

The Court—If you want to ascertain whether he thinks insanity can be produced by spiritual influence I do not think there is any objection to the question.

Mr. Scoville—It is in evidence that the father of this man, and the man himself, believed in a personal devil, who took possession of a man and ruled him, and that he might be so influenced that he would be pushed to do evil. If this gentleman believes in no such thing as that he will give no force to that claim, and he may say that he does not believe that an individual ever had such an idea.

The Prisoner—I not only believe in a personal devil, but in a personal God. You will get more light on this subject of spiritology by studying the New Testament and reading what Christ and Paul thought about it than by examining all these experts. (Then turning to Mr. Scoville the prisoner broke out):—You had better get off this case and let Reed manage it. You don't know anything about the business.

Mr. Scoville (good naturedly)—Let me get through with this witness.

Mr. Seoville then glanced at a memorandum book from which he had been examining the witness and was about to propound another question when the prisoner, looking over his shoulder, interrupted him with:—

- "You have got a lot of stuff there. I wonder who wrote that. It is not in your handwriting. It must have been contributed. Reed and I can do this business better than you can."
- Q. Have you heard insane patients make the claim of spiritual agency? A. Yes; I have heard them state that they had hallucinations; those were disease manifestations, however.
- Q. A manifestation by an insane patient always is a disease manifestation? A. Certainly; I define it for the reason that a person may have a delusion and say that he is influenced by a spirit.
- Q. Can you ascertain by any physical test whether that claim is true or not? A. Not alone.
- Q. You have to take the declaration of the patient to some extent? A. Yes, to some extent.
- Q. Whenever any disease in the nervous system in any of its divisions has so far advanced that the power of will is insufficient to control physical impulse all the impressions of the mind are so rapid that to compare ideas and to determine with consistency is impossible, what would you consider the state of mind of a person so circumstanced? A. I will answer that by saying that the will does not control physical impulse; if a man has sufficient nervous disease to destroy intellectual pressure and prevent his exercising control of his will he is insane.
- Q. Does not the will control physical impulse? A. Physical impulse is an expression of the will.
- Q. Does the will control the expression through the body?
 A. It cannot control, it actuates the body to do certain things.
 - Q. Whenever the mental disease has advanced, so that

the will loses that power of control, what is the state of mind of that person? A. I do not consider the will is the thing that controls; something controls the will.

Q. What controls the will? A. Other mental processes. The Prisoner—The will is controlled by spirits—not by intellectual process. You had better drop this, gentlemen, and put Clark Mills on the stand. He is a better man for you. Dry that thing up. Clark Mills took a bust of my face. He thought that some one hereafter would be interested in it. He thought I was a great man. He was the man that did Jackson, opposite the White House. He thinks I am a greater man than Jackson, though Jackson has been President and I haven't been President yet. Mills wanted to immortalize his name by getting it on my bust, so I took off my beard for his benefit. He is a great deal better man for you than this one. He said that one side of my head was badly deficient.

Q. Is insanity manifested uniformly the same in the same patients? A. No, sir; insanity is manifested in a variety of ways in the same patients.

Q. And may he have periods when he does not manifest any form of insanity? A. There may be periods when some people would not see it and others would; I think an insane man could deceive the laity, and an experienced examiner could discover it.

Q. Is it not a fact that experienced people are frequently deceived? A. They are.

Q. Is it not a fact that patients are frequently discharged from asylums as cured when they are not cured? A. Yes, sir.

Q. Are these persons experienced with insane people likely to judge a sane man insane? A. Yes; some people who do not know their subjects are,

Mr. Scoville questioned the witness as to his acquaintance with Brown, Maudsley and other writers on insanity, and whether he regarded Maudsley as an authority. The reply was that he thought Maudsley's views too loose in relation to moral insanity; that was a term used by Maudsley and others to excuse acts committed as the result of ungovernable anger and lust.

Q. Do you ever find such acts committed by inmates of lunatic asylums? A. I do; by men who have intellectual insanity as well as moral insanity; I believe that there are moral expressions of intellectual insanity.

Q. But you do not believe that acts of such persons, apparently prompted by ugliness or viciousness, are evidences of insanity? A. Not of themselves.

Q. Do you hold such persons up to the standard of moral conduct as sane people? A. Yes, so far as punishment for their acts is concerned.

Q. Then you think that insane persons should be hanged or imprisoned for such acts, just the same as sane people? A. If insane people know the nature of their acts and their consequences, and can control themselves, they should be punished for their acts just the same as sane people.

Q. Are they usually so punished in insane asylums? A. They are not.

The witness was then inquired of as to works on the subject of insanity written by Dixon, Gay and Ray; also as to a book written by himself on nervous disease. He was asked whether he agreed with Maudsley in the declaration that a person who has a delusion and acts under it has necessarily lost his knowledge of right and wrong in the particular case. His answer was that he did, if it was a pertinent delusion and an insane delusion. He was also

asked whether he agreed with the passage in the book, "Medicine in Relation to Mind," by Dr. Dixon, to the effect that many lunatics are able to distinguish between right and wrong, while they cannot choose between them. The answer was that to a certain extent that was true. He was asked whether he agreed with Gay that the acts of the madman often evince the same forethought and preparation as those of the sane. He answered in the affirmative, and added that a madman may know the legal consequences of his acts, whether he has the power to control them or not. He was asked whether he had ever made a mistake in judging a person sane who was insane. His answer was that he had no doubt that he had, everybody was liable to make mistakes; he had expressed an opinion before being subpenaed; he had said that he thought, from what he had seen in the newspapers, that the prisoner was responsible; he has been in Washington since the 26th of November, but has not made up his mind as to what compensation he will demand: he was asked whether Dr. William A. Hammond, of New York, was considered an authority on the subject of insanity. His reply was, "By some people, yes." Mr. Scoville quoted from a pamphlet by Dr. Hammond, in the case of Daniel McFarland, defining various gradations of mental unbalance, and asked the witness whether he agreed with Dr. Hammond. The witness replied that he did not; there were a great many eccentric people who never became insane; the phrase "on the verge," implied the danger of falling over; he admitted that in the cases described there was a decided predisposition to mental disease.

Mr. Davidge—I understand that sanity and insanity are divided by a very vague line?

The Witness-Yes.

Mr. Davidge—Sanity may become gradually shaded off into insanity?

The Witness-Yes.

Mr. Davidge—Then I understand that in what medically would be called insanity there are very many degrees of intensity?

The Witness-Yes, and very many forms.

Mr. Davidge—I suppose that many people may be medically insane and yet know perfectly well the difference between right and wrong and that they are doing wrong?

The Witness-Yes.

The Prisoner—What difference does that make if I was overpowered by some superior force?

Mr. Davidge-I am not speaking about overpowering cause.

The Prisoner—That is all that there is to this case—whether I was overpowered or not. That is insanity. That is a matter of fact.

Mr. Davidge—I will put the question in a new form. What is your experience in respect of the capacity of persons who are medically insane being capable of distinguishing between what is right and wrong?

Objected to by Mr. Scoville and objection overruled.

The Witness—There are a great many people who are medically insane who do perceive the difference between right and wrong.

The witness was called upon to explain the diagrams of the prisoner's head, which he had produced last Friday. The prisoner interrupted this part of the examination by saying:—"Clark Mills will tell you all about my head; you had better get that point settled by him and not spend any more time on this kind of business."

Dr. Worcester, of Boston, whose examination on the part of the defence closed abruptly, because he insisted on Mr. Scoville defining what he meant, in one of his questions, by the word "inspiration," was called to the witness-stand on the part of the prosecution. He stated, in reply to questions by the District Attorney, that he had examined the prisoner at the jail, and that he had been also in daily attendance at the court room for several weeks past, and had carefully watched the prisoner's conduct during that time and heard what he said; he thought he was sane.

The Prisoner—How much pay do you expect to get for that opinion, Doctor? I think that is worth about \$500. If you go to Corkhill he will give you a little slip for that amount. I am sure I do not think the opinion is worth one snap to this jury; but probably Corkhill will pay you \$500 for it.

The District Attorney then proceeded to put to the witness a long hypothetical question, embracing the history of the prisoner's life and the facts that have appeared in the case. He was frequently interrupted by the prisoner exclaiming, "That is false," or "That is correct," and once by the question, "Why he did not get his apotheosis," or whatever he called it, correct.

The witness was asked whether, assuming these propositions to be true, the prisoner was sane or insane on the 2d of July last?

The Prisoner (interrupting)—Allow me to say right here that Colonel Corkhill has made a very clear outward statement of the transaction, but what does he know about the spiritual pressure on me? The act is a matter for the Lord and for this jury and the Court and me to pass upon. Here is this quartet—the Lord and the Court and the jury and

me. That is a mere outward statement of the transaction. The spiritual causes forcing me to act are entirely unstated.

The Witness (replying to the question)—In my opinion he was sane.

The District Attorney read an additional hypothetical question, reciting many of the discreditable incidents in the prisoner's life, in which he was constantly interrupted by the prisoner exclaiming, "That is false; that is absolutely false. That is one of Shaw's lies. I have disposed of him." At the close of the hypothetical questions the witness was asked whether, assuming these propositions to be true, the prisoner was sane or insane at the time of the shooting of President Garfield. The witness replied, "In my opinion the prisoner was sane."

The Prisoner—The fact about the matter is that this whole subject of insanity I gave to the supposed reporter of the New York Herald, on the 3d of July, so that Corkhill's statement that the word "inspiration" was never heard of from me until after I heard that Conkling and the others repudiated my act is absolutely false.

After recess the prisoner recurred to the same idea, and said: "I want it distinctly understood that on the 3d of July, the very next day after the shooting occurred, Corkhill came to my cell in the jail with Bailey, the supposed Herald reporter, and I gave them a full report of this whole matter in a two hours' interview, in which I talked about the Deity, about inspiration, about the political situation, and about other causes, which precipitated me on the President. And it is wicked for this man, Corkhill, to come here and undertake to tell you that I did not say anything about inspiration until three or four weeks

after the shooting. Corkhill destroyed the note book that it could not be used in court. That is the kind of man Corkhill is."

Before the cross-examination of Dr. Worcester was resumed the District Attorney made a brief statement as to the circumstances under which the witness was retained. This statement was energetically protested against by Mr. Scoville, who characterized it as a sample of pettifogging.

Mr. Scoville then preceeded with the cross-examination of the witness, his questions being principally directed to the point of showing that the witness had not an extended medical experience. He also questioned him as to his motive in writing a letter to him, inquiring whether he could be of any service to the prisoner. His reply was that he did so because, at the time, he believed the prisoner to be insane. He was asked what had changed his opinion as to the sanity or insanity of the prisoner, and his reply was: "Mainly his own testimony and my interview with him in the jail, supported by the evidence which I heard."

The Prisoner—I guess that that \$500 settled you, Doctor. When you came to my cell you were very friendly with me, but that was before you got the \$500 idea in your mind.

Mr. Scoville—What were the grounds of your opinion that the man was insane before you left Salem to come to Washington?

The Witness—I formed my opinion from statements which I had seen that he was actuated, at the time he shot the President, by an insane delusion, and that he was under the influence of an irresistible pressure, which was the outgrowth of that insane delusion.

Mr. Scoville-State where you got that information.

The Witness—Mainly from articles in newspapers and in medical journals.

Mr. Scoville—Did you get it in part from the autobiography of the prisoner, as published in the New York Herald?

The Witness—I do not recollect ever seeing that auto-biography.

The Prisoner—There is no use in wasting time on this witness. That five hundred dollar idea has changed his opinion. The question of my free agency in this matter is the whole question. What does this witness know as to what occurred in the spiritual world? That is something which he could not see, nor any other person. That is a question of fact for the jury to pass upon. It is for the jury to say whether they believe my statement or not.

Mr. Scoville (to the witness)—If any one of the propositions contained in the hypothetical case put to you by the District Attorney were left out would your opinion still be the same, that the prisoner was sane?

The Prisoner (in a rage)—You are stupid, Scoville, as the witness is. You are just compromising my case every time on cross-examination. You are not fit to be on this case at all. If I had some first class criminal lawyer he would show you how to do this business. I would have got John D. Townsend, of New York, or Judge Magruder, of Maryland, if you had not shoved them off with your confounded vanity and egotism. You are no more fit to manage this case than a ten-year-old school boy. You have no ability in examining witnesses. Your business is in examining titles. You had no business to come here at all and compromise me with your blunderbuss way.

The Witness (in answer to the question)—I should reply

sane to any one of those propositions taken separately, without modifying circumstances.

Mr. Scoville—And you would answer sane to all the propositions taken together?

The Witness-Yes, sir.

Mr. Scoville—Do you believe it possible for a person's mind to become dominated or controlled by a religious emotion or a religious delusion so that the person loses the power to control his own action by his own mind?

The Witness-Yes, I do.

Mr. Scoville-Have you known any such instances?

The Witness—Yes, but as a rule the instances of that sort that I have known have been the fruit of a diseased brain; one patient that I have known labored under the idea that he was inspired by God to lay aside his clothes and to prepare for ascension to heaven, which he immediately proposed to do; when he was remonstrated with he claimed that in his capacity as inspired by God he would strike us dead at his feet, which he attempted to do and failed.

Mr. Scoville-That man was insane, was he not?

The Witness-He was.

Mr. Scoville—Had you any question but that he believed what he said?

The Witness-No, sir.

Witness denied that he received any money for coming into court, and said he had made no contract for payments.

The prisoner broke out into another invective against Mr. Scoville, telling him that he was a consummate fool, that he had better go back to Chicago at once and that he seemed to be working for the government instead of for the defence.

Mr. Scoville presented to the witness a postal card, which the witness admitted having written, dated Salem, Mass., November 24, saying:—"Accept my congratulations on the manner in which you have conducted the defence. It may not be popular, but it is right and just?" The witness added that he saw no reason to take it back—at the time it was written.

Again the prisoner broke out against Mr. Scoville. "It is an outrage on justice," he said, "for this man to come here. He has had no experience in criminal matters and he is compromising my case. I here require him publicly to get out of the case. I would rather take my chances, even at this late hour, with Charlie Reed, who is a first class criminal lawyer, than with this idiot, who is compromising my case all the time. He has no wit, no sense, and between Corkhill and him I have a pretty hard time. (Laughter, which seemed to put the prisoner in better humor, and in which he joined.)

Mr. Scoville, for the first time during the trial, seemed to be annoyed, worried and humiliated by the prisoner's speech. He had difficulty in repressing his emotion as he said to the Court that he had to notice what the prisoner said and that he should be very glad to have the assistance of Mr. Reed.

The prisoner seemed to relent a little as he noticed Mr. Scoville's emotion and he said, encouragingly:—"You are doing first rate, Scoville, but make your cross-examination short. You hurt the case by your inexperience in cross-examination."

The witness gave the substance of a letter which he had written to Mr. Scoville. It told the opinion which he had formed as to the insanity of the prisoner, and gave the

opinion that it would be more to the credit and good name of the American people that the killing of the President was the act of an insane man rather than that of a criminal or a disappointed office-seeker. It also stated the witness's qualifications for forming an opinion and asked if he could be of any service. It was agreed that the letter itself, when found by Mr. Scoville, would be put in evidence.

Mr. Davidge—The opinion which you first formed was based on what you read in newspapers and medical journals?

The Witness—Yes, and possibly on conversations with others.

Mr. Davidge—And you changed that opinion on examination and observation?

The Witness--I did.

Mr. Davidge—Did you communicate to Mr. Scoville the fact of that change?

The Witness—To a certain extent, personally; and, to the full extent, to a gentleman whom I supposed to be his representative, Mr. Reed; that was previous to my being put on the stand; it was on the evening of December 4, the day before I was put on the stand.

The witness went on to state the circumstances connected with a meeting of the experts, who had been summoned for the defence; there were nine or ten experts at that meeting; Mr. Reed was there and asked each expert his opinion; the witness, when it came to his turn, expressed his opinion; Mr. Reed said, in summing up the opinion of the experts:—
"You seem to have the prisoner on the border line of insanity and a little more testimony will carry him over;" the impression of the witness was that he told Mr. Reed that he considered the prisoner responsible.

The District Attorney—What do you understand by the word "pressure" as used in this case?

The Witness—I understand it as simply another form for the conflict going on in a man who is subjected to the temptation to do evil.

The Prisoner—Scoville, you should have let the man go two hours ago. If I were indicted for manslaughter and Scoville defended me I would be hanged for murder. If you had let this man go two hours ago it would have been better for the defence. (To the Court) I tell him to get out of the case. He is ruining my case. He is not fit to try it.

Mr. Scoville (with an air of patient resignation)—No one realizes that more than myself.

The Prisoner (in a fury)—Then get out of the case, you consummate idiot. You have got no more brains for this kind of work than a fool. You compromise my case in every move you take. If you had let that man go at one o'clock he would have done me no harm.

Mr. Scoville—If the court please, I have no more questions to ask the witness.

The Prisoner—You had better get off the case. I expect that the Almighty, notwithstanding Scoville's asinine character, will see that I am protected. I expect that it will take a special act of God to do it. (Then there was an altercation, conducted in a lower tone of voice, between the prisoner and his sister, in which he went over much of the same ground, and said that it would be well for him if all his relatives had died twenty years ago.)

Mrs. Dunmire, the divorced wife of the prisoner, identified two photographs of him taken some years ago, and denied having said to Mrs. Scoville anything about the prisoner being insane.

Mr. Justice, of Logansport, Ind., a former witness, produced a volume of Moody's life, which, he said, the prisoner had been peddling in Logansport, and in which he claimed the prisoner's name was legible, though it required to be looked at in a strong light. The prisoner himself denied that there was any such writing in the book.

The court then, at three o'clock, adjourned.

The heavy rain, which had been falling for twenty-four hours, was the cause of the absence of a number of ladies, who nearly every day visited the court room. Guiteau was quite excited, and as soon as he was seated, he commenced a conversation with Mr. Reed, who tried to calm him. It was evident from the violence with which he struck the table with his fist that he was in bad humor. With a sayage expression in his face he leaned over toward Mr. Scoville and said in a loud whisper, "You ask foolish questions; you have no sense at all." Then, the conversation with Mr. Reed having been concluded, the prisoner became more quiet and announced that he had intended to make a speech, but would not do it now. While waiting for the District Attorney to enter the prisoner began to open some letters, stating that it was the first time that he had opened his own mail for a good while.

Dr. Theodore Dimon, of Auburn, N. Y., was the first witness called. He stated that he had been summoned to testify for the defence; for two years up to last year he had been superintendent of the asylum for insane criminals at Auburn; he had made a personal examination of the prisoner, had noticed the prisoner in court and had heard his testimony.

Q. From your personal examination and from your observation of the prisoner, what is your opinion as to

whether he is sane or insane? A. It is my opinion that he is sane.

Mr. Scoville—Does that include the judgment of the witness upon the evidence?

The District Attorney-Oh, no.

The Witness—It includes my examination and my observation of the prisoner.

The District Attorney then propounded to the witness a hypothetical question, assuming to be true all the evidence brought forward by the prosecution, and asked the opinion of the witness as to the sanity of the prisoner at the time of the shooting of President Garfield.

The Witness-It is my opinion that he was sane.

The Prisoner—On the theory that what he says is correct; but it is incorrect, and your opinion is of no account. The trouble with that is that two-thirds of it is false.

Witness had examined the prisoner twice for two hours upon one day, and for one hour the next day; the prisoner did not attempt to conceal anything; he appeared open, frank and sincere in his statements; witness had no reason to suppose that he was feigning; the prisoner was stripped of everything except his pantaloons, and witness examined his person above the waist in the ordinary way of making an auscultatory examination; he examined the tongue particularly, but did not feel the head.

- Q. What is your opinion as to whether he has been playing a part in the court room? A. I do not think he has—a part in simulating insanity; he has been acting a part natural to his circumstances and character.
- Q. How much experience have you had with insane persons? A. It has been a specialty of mine but for a limited period; with insane cases I have had a good deal to do.

- Q. Have you had difficulty in detecting convicts feigning insanity? A. Not generally,
- Q. Do you find that insane people are immoral and have bad habits? A. Yes.
- Q. You would not consider it a certain indication of insanity that a man was a pretty bad man? A. That would amount to nothing in determining the question.
- Q. Is it not frequently the case that insane people are cunning and shrewd and deceptive? A. Yes.
- Q. Suppose insanity appears in four out of ten children, would there be anything in that circumstance to show a hereditary predisposition? A. That would depend upon the circumstance of each case; it might be a mere coincidence.
- Q. Would it not be an unusual thing for insanity to appear in four out of ten children without a hereditary predisposition? A. It would certainly lead to suspicion and inquiry.
- Q. Does egotism appear as one of the manifestations of insanity? A. I think that that is a feature; the excessive idea of the importance of everything that concerns themselves, and an absence of ideas of whatever injurious effect their conduct might have on others.
- Q. Does the moral sense appear to be blunted? A. Blunted, yes; perverted, yes.
- Q. How common is that in cases of insanity? A. My experience has been among the criminal classes; before they become insane many of them have that characteristic.
- Q. Do the same peculiarities follow through from the same to the insane state in the same individual? A. Yes, sir; sometimes there is a change.
 - Mr. Scoville then recounted to the witness the circum-

stances attending the prisoner's attempt to establish the Theocrat, and asked, assuming all the facts stated to be true, what would they indicate as to his mental soundness or unsoundness? A. I do not think that by itself that would be sufficient to determine the question whether it was fanaticism or insanity.

- Q. Might it not indicate a species of insanity? A. In certain individual.
- Q. If the individual's previous life for some years has been in that line, would it then indicate unsoundness of mind? A. It would be more likely to show fanaticism.
- Q. Is fanaticism near the border line of insanity? A. I suppose it might be.
- Q. Are insane people ever fanatics? A. I never saw one.

Mr. Scoville then took up the hypothetical case stated by the District Attorney, and questioned the witness closely on each separate circumstance mentioned therein, obtaining in reply the admission that there was nothing there to show that the person described might not afterward become insane. Mr. Scoville further stated the circumstances attending the prisoner's attempts to lecture and his habit of leaving the stage in a great hurry, and inquired whether that was not an indication of his unsoundness of mind. A. It might, or it might be an indication of intoxication.

Q. Suppose he never drank anything? A. Such conduct would give ground for suspecting the man's insanity.

Mr. Scoville then related the circumstance of the prisoner's threatening his sister with an axe in Wisconsin, and inquired whether that was any evidence of insanity.

The witness replied that it might be an evidence. In

reply to a further question by Mr. Scoville, he stated that the fact that Dr. Rice had come to the conclusion, at the time of the last incident referred to, that the prisoner was a fit subject for an insane asylum, was no evidence to his mind of the unsoundness of mind of the prisoner; he did not consider Dr. Rice as a competent observer, as his only experience was in sending insane persons to asylums on certificates.

Q. How much such experience does it take to make a competent observer? A. It takes a good deal of experience.

Q. An experience of twenty years where a man is called in to examine from ten to twenty cases every year, would not constitute any such experience as would entitle the opinion of that man to any weight? A. None whatever; I have been through the mill myself; when I came to find myself somewhat competent, I found I had known nothing at all; I have received certificates from experienced gentlemen, surgeons in State prisons, which were simply absurd; I don't know quite enough yet to distinguish always between sane and insane people.

The Prisoner—That's the best thing you've said, Doctor. Scoville is doing all the talking this morning, ladies and gentlemen. I am keeping quiet.

Q. Do you think that Dr. Worcester, who was on the stand yesterday, is old enough to know the difference?

The witness turned to appeal to the Court with a puzzled expression, when Mr. Scoville laughingly told him he need not answer the question.

Q. Is it possible for a man to have an insane religious conviction? A. It depends on his religious training.

Mr. Scoville then alluded to the first letter written by the prisoner to President Garfield applying for the Austrian Mission, and the witness stated that it might be an evidence of insanity, but could not say positively, as he did not know sufficiently the ways of office seekers.

Q. Do not insane people frequently write rational letters? A. Yes.

The Prisoner—I might as well say here that I opened my mail this morning for the first time. There is a big pile of letters, and only one crank letter in the whole lot. The people are toning down—toning down. There's a great demand for my autograph. One would think I was a great man, the way people are sending for my autograph. I don't care a snap about it. I don't care about being a great man or a big man. There's only one crank letter in the lot; that's a good showing. Another thing about the autographs. The requests come from the high-toned ladies of Washington. They send in their albums and their fine cards. I am going up outside.

Mr. Scoville then proceeded with his examination, but elicited nothing of importance. Suddenly the prisoner interrupted, and, holding a letter in his hand, said, "I have a letter from Dr. Spitzka in which he says that he has received over two hundred letters of congratulation and commendation for his testimony in this case, and only three anonymous threats and two letters from lunatics. That is a good showing. He came here without one cent of money. These other fellows get money. I have just been looking over these letters, and happened to strike Spitzka's. There is another from Cincinnati in exactly the same tone. (To Scoville.) You keep quiet. Another one is from Daniel F. Beatty, of New Jersey.

The Court—We have not time to listen to your correspondence now.

The Prisoner (continuing)—He wants to give \$500 for that crank. This is all interesting for the outside public.

Mr. Porter—Mr. Scoville, I would like to have that letter of Dr. Spitzka's preserved.

The Prisoner—It will be preserved.

After some further unimportant testimony the Court, at half-past twelve, took a recess for half an hour. The letter from Dr. Spitzka was not addressed to the prisoner but to Mr. Scoville, who carelessly left it within reach of the prisoner, who immediately seized it and read its contents.

The afternoon session was opened by the prisoner with the explanation that Mr. Reed was detained this afternoon, but expected to be in regular attendance hereafter.

The cross-examination of Dr. Dimon was then resumed. Mr. Scoville again called the witness' attention to Mr. Corkhill's hypothetical question, and he, while contending that though the facts tended to show that the prisoner was sane, admitted that many of them taken individually were not inconsistent with the existence of an unsound mind. He said that many insane persons had good memories and were capable of laying and following plans of action.

Q. Is there anything in this hypothetical question of an immoral or vicious character attributed to the person there that might not be exhibited in ordinary cases of unsoundness of mind? A. Distributing them through a number of cases you find these peculiarities existing in some one or other through them all.

Q. As to the matter of sensual indulgence—is that a common thing in insane cases? A. Yes, either as to cause or consequence.

Q. Is there such a thing as an insane delusion or the conviction of mind of a person—a fixed conviction of duty

-urging a person on to commit an act to that extent that his will is not able to resist it? A. That is a characteristic of a certain form of insane delusion.

- Q. Is that as frequently a characteristic of delusions connected with religious convictions as any other? A. No; it is much more frequent in cases of epileptic mania.
- Q. Are those cases of hereditary tendencies? A. Sometimes.
- Q. Suppose a person acts under what he considered a divine command, and in obedience to that command he should kill the President, and suppose he honestly believed that the people of the United States, as soon as they were informed of his motive, would not only excuse him but applaud him for the act, in your opinion would that be any indication of unsoundness of mind? A. I think it would—an honest belief, a sincere belief; the domination of his will by that belief is what I mean by this answer.

Q. Did you ever believe in personal divine inspiration in this age of the world? A. Not specially.

The Prisoner—Well, Doctor, if the Lord could inspire a man 2,000 years ago, why can't he do it to-day? Is there anything in human nature different now from what it was then? What is your idea on that?

Mr. Scoville—I have no objection to your answering that question.

The Witness—If the Lord did inspire anybody 2,000 years ago, he can now if he choose.

The Prisoner—That is my idea on that. He not only can, but he did in this particular case.

In the course of the examination Mr. Scoville questioned the witness on the subject of hereditary insanity, and received the information that whereas in England fifty per cent. of the insanity was hereditary, in witness' asylum only four or five per cent. was.

Mr. Scoville then propounded a hypothetical question, taking as his strongest point the averment that the prisoner believed firmly in his inspiration to shoot the President, and inquired whether, if that averment were true, the man was insane at that time.

The Witness—I don't think that that is a question for an expert; any one can answer that; there is only one answer to that question; suppose a man to be insane, is he insane? (Laughter.)

Q. What would an insane man do after he had committed such an act? A. He would not try to run away.

Q. Would be naturally be calm? A. Not at all; the excitement would keep up.

Q. Would he necessarily be excited in doing the act?

A. Generally so.

Q. Would his being calm be consistent with the theory of his insanity? A. In very rare cases of a sort of epileptic mania it might be so.

Mr. Scoville then questioned the witness as to whether he agreed with the views of insanity laid down in the works of Balfour, Brown and Maudsley on the jurisprudence of insanity, and proceeded to quote from the latter author. This called forth an objection from Mr. Porter, who declared that the jury did not care after six weeks to pass from the trial of Guiteau to the trial of the merits of particular writers. The objection was sustained by the Court, but Mr. Scoville attained his object by changing the form of his questions. The witness stated that he did not agree with Maudsley on the question of moral insanity.

Q. Are not many lunatics able to distinguish between

right and wrong but not to choose between them? A. When under insane delusions, yes.

Q. What is an insane delusion? A. A false perception, conception and action contrary to the common belief of mankind and the individual's own private belief.

On re-direct examination the witness was asked the reason for his conclusion that the prisoner was insane. Mr. Scoville objected, and the prisoner asked the District Attorney to pay the witness his \$500 and let him go home. "What does he know," he said, "about my free agency on the 2d of July? Dream over that, Corkhill, and let me know in the morning."

The Court overruled the objection and the witness stated that his conclusion was based upon his examination of the prisoner and from his testimony. Witness saw nothing in the prisoner that was not the result of his natural character, early training and the life he had led.

By the Court—Q. You have been asked whether a man might be impelled to the commission of an act he knew to be wrong, by an insane delusion, could he be so impelled without an insane delusion, by an irresistible impulse to do what was wrong? A. I suppose that takes place in a fit of passion, where there is no deliberation and where up to the moment of the act the person knew what was right and wrong.

Q. Can there be any sane irresistible impulse in the absence of a delusion? A. In the absence of an express delusion there may be, but my own belief is that there exists an unexpressed delusion in the mind of the actor.

The Prisoner—These experts, allow me to say, are high toned. High-toned, respectable men, but with all respect I say that they hang more—(correcting himself)—as many

men as the doctors kill. There is no question about General Garfield being alive to-day, whatever my motive might have been, if the doctors had not killed him, but the Lord allowed the doctors to finish the work I began, because he wanted him to go; and he did not go before his time any way. We have all got to go. It is a question of time.

Owing to the absence of Mr. Davidge and to the fact that the hour of three o'clock was approaching, the District Attorney suggested an adjournment, but yielded to Mr. Scoville's request to be allowed to recall at the present time D. McLean Shaw, the witness who testified to the conversation in which Guiteau stated that he would imitate Wilkes Booth. The witness was greeted by the prisoner with:—"This is the man who told the lie about Booth. We have your record, Shaw, over there in New Jersey, where you were indicted for perjury. You only got off on a technical point."

Mr. Scoville-Were you ever indicted for perjury?

The Witness—For alleged perjury.

The Prisoner—The Judge said you ought to be in State Prison.

Mr. Scoville (angrily)—Now, shut up.

The Prisoner—I won't; I will go on.

Mr. Scoville-Then go on and I will get off the case.

The Prisoner—We will have a new man to-morrow. This is your last day, Scoville.

- Q. When was that indictment for perjury? A. In 1878.
- Q. What was the perjury alleged to have been committed? A. That I had given false testimony in regard to the payment of a certain note for \$1,000.
- Q. Did you swear that you had paid the note? A. The note of \$1,000? Yes, sir; there were ten or eleven notes of the same amounts.

Q. Then again you swore that you had not paid it?

The District Attorney—You need not answer that question.

Mr. Scoville-I have a right to know the fact.

The District Attorney—The case may have been kicked out of court.

The Witness-It was.

The District Attorney—Were you ever convicted of perjury?

The Witness-No.

The Prisoner—The Judge said you were morally guilty of perjury. We have the record here.

Mr. Scoville—You were tried for perjury?

The Witness-Because I wanted to be tried.

Mr. Scoville—And escaped upon your own testimony in swearing that you were mistaken when you swore to a lie?

The Witness—I was mistaken in swearing to the wrong note; what I testified to was exactly true in regard to another note of the same amount and same date.

Mr. Scoville-That will do.

The District Attorney said that he did not desire to cross-examine the witness, who, however, might make any statement he saw fit.

The witness then stated that in the note case he had become confused and testified as to one note when he thought he was testifying as to another.

The Prisoner (contemptuously to the District Attorney)
—This witness ain't no good. You may go home, Shaw.
You are marked.

Mr. Scoville-That will do, Mr. Shaw.

The Prisoner-We've got through with you.

The Witness—I would like to explain; I am in a false position.

"And you have been from the start," interjected the prisoner.

The Witness—After the indictment was procured I was approached by both the prosecutor and the District Attorney.

Mr. Scoville—I object.

The Court—I think we have had enough of this.

The witness denied that the Judge had in the perjury case made use of caustic language, and stated that he had authority for that denial.

The Prisoner (excitedly and yet with a contemptuous smile on his face)—Shaw's statement about Booth is the most extraordinary statement that ever came from a human mouth.

Mr. Scoville gave Mr. Shaw notice that he would call four witnesses to testify in regard to the perjury case.

The Prisoner (still referring to Shaw's statement)—There is not one word of truth in it, and you know it, too; God Almighty will curse you for it; I never talked to Booth about you in my life (sic); you are marked for life; it is the most extraordinary lie that ever was concocted; I never mentioned the subject of Booth to Shaw; it is not likely I would wait ten years to kill some great man; it is the most outrageous thing ever concocted by human being; it is a lie on its face, and any intelligent man would say so.

The District Atorney then stated that he would call a witness who would testify to a somewhat similar conversation with the prisoner.

Mr. Scoville—Is it that man Foster? I thought you would leave him to the last so that we could not look into his record.

The witness to whom the District Attorney alluded was

not in attendance. He was not, so the District Attorney stated, Mr. Foster, but one who had heard the prisoner make the statement in Washington. But he (Corkhill) did not intend to bother the jury with any of those witnesses.

The Court then, at three o'clock, adjourned, the prisoner, as he was led out, continuing to denounce Shaw, and declaring that his testimony was a disgrace to the American people.

CHAPTER XVI

Dr. H. P. Stearns on the Stand.—Sharp Tilts between Counsel.
—Guiteau's Power of Will.—Guiteau Pronounced Sane.—The Question of Inspiration.—The Prisoner Threatened with Removal to the Dock.—The Court Adjourns over Christmas.—How the Assassin spent Christmas.—He Receives Visitors.

When Guiteau took his seat on the 24th day of December he was given several letters, which had just been received. One letter written on yellow tinted paper especially engaged his attention. He read it carefully and pondered its contents at length. He then showed it to his brother, and the two became engaged in earnest conversation. Having disposed of this letter, Guiteau became interested in his newspapers, and for some time paid little or no attention to the testimony of Dr. Stearns.

On the assembling of the court this morning Dr. Henry P. Stearns resumed the stand and was further cross-examined by Mr. Scoville. The first part of the examination was confined to the ground which was gone over yesterday. He testified that in almost all forms of insanity memory was the first faculty to show impairment.

Q. Do you agree with the last witness (Dr. Talcott) that insanity is always a manifestation of a diseased brain?

Mr. Porter objected and his dramatic manner in arguing his objection drew forth the remark from Mr. Scoville that

(583)

Mr. Porter could make more out of nothing than any man he had ever heard.

Mr. Scoville—the objection being sustained—changed his question so as to ask whether insanity was always a manifestation of a diseased brain.

The witness replied in the affirmative.

Mr. Scoville—Can such disease of the brain always be detected by an examination of that organ?

The Witness—There have been cases of undoubted insanity when, upon examination of the brain, no disease has been found.

Mr. Scoville—No distinct disease?

Mr. Porter objected to Mr. Scoville interrupting the witness.

Mr. Scoville (indignantly)—I want to know who is conducting this trial?

Mr. Porter—I suppose the Court is, and to the Court I appeal that a witness shall not be muzzled in the midst of an answer.

Mr. Scoville—Make your objection to the Court and don't direct my witness when to answer and when not to answer.

Mr. Porter-I will.

Mr. Scoville—You will not. I have this witness under my care. If you object, make your objection to the Court.

Mr. Porter—Counsel is entirely mistaken.

Mr. Scoville (angrily)—All right. We will see about this thing.

Mr. Porter—Counsel addressed this gentleman, who is of the highest character in scientific circles, as he would a schoolboy.

The Prisoner (sneeringly)—That's very fine, Porter.

Mr. Porter—I will allow this to pass, but I will insist that counsel shall keep within the limits of the rule.

This dispute between counsel, carried on in a very acrimonious manner, having ended, the examination was resumed.

The witness stated, in response to questions, that while the fact that a person of poor reasoning powers should apply for a position far beyond his capabilities of performance was not an indication of insanity, it was not inconsistent with unsoundness of mind. To one of these questions Mr. Porter objected, which called forth the exclamation from the prisoner that "Porter must have contracted the disease that Davidge had yesterday."

Q. May not a person under the influence of a delusion which he has no power to resist do an act which he knows is contrary to the law of the land? A. Yes, sir.

Mr. Reed then took up the thread of the examination, but at the very outset got into a dispute with Mr. Porter. After quite a lively tilt Mr. Reed turned to Mr. Scoville with the remark that "he will get over it."

The Prisoner—They are getting very uneasy about this prosecution.

Mr. Reed then inquired the witness' opinion as to a medical work by Dr. Ray.

The witness replied that he would rather not be examined as to his opinions upon medical works. There was not an expert present with whom he agreed in all respects.

Mr. Reed—It is a fact that doctors disagree?

The Witness-I do on all points, more or less.

Q. Have not insane persons committed crimes when they have deliberated and lain in wait to accomplish the acts? A. They have.

Q. Are you familiar with the case of Oxford, who shot at Queen Victoria? A. I am.

Q. Did it not appear that he had bought a pistol and slugs and had practised for a long time?

Mr. Porter objected.

- Q. Have not persons undoubtedly insane committed acts which in sane persons would be crimes, and afterward attempted to conceal what they have done and denied that they have done it? A. Yes.
- Q. Have not insane persons provided means of escape after committing the acts? A. Yes, to a limited extent.
- Q. Suppose the prisoner had honestly believed that he was acting under the direction of God, was he sane or insane? A. I should say that that had no bearing on this case.

The Prisoner—Do you hold that a man cannot be insane in a specific act without his brain being diseased? Is that your theory?

Mr. Porter told the witness not to answer the prisoner: but, Mr. Scoville adopting the question as his own, the witness replied that the term "insanity" implied a disease of the brain.

The Prisoner—Then a man cannot be insane without a diseased brain?

Mr. Porter (to the witness)—Hold no colloquy with the prisoner.

The Prisoner—Who is running this case, you or the Court?

Mr. Porter-The Court.

The Prisoner—So I thought.

Mr. Porter—The criminal thinks that he is.

The Prisoner (excitedly)—I am no criminal. I am no more of a criminal than you, Mr. Porter. I am more thought of on the outside than you are. The English

papers are saying that I am a bigger man than old Porter, and it is true.

Mr. Porter—I suggest, if these interruptions are continued, to have them heard from the dock.

The Prisoner (defiantly and derisively)—From the dock, hey! the dock! Try it on.

The Court—That is a question which has suggested itself to my mind.

The District Attorney—I think it is a proper suggestion, and one which we shall insist upon if these interruptions are carried on. There is a limit to all things; and if this abuse and these interruptions of the regular proceedings of the court are to be allowed any further by this man, who knows what he is doing, he must make interruptions from the dock, where criminals belong, and that authority is within the control of Your Honor.

The Prisoner—It is purely a matter of discretion. I appear as my own counsel, and have as much a right to be heard as you. The prosecution seems to be very anxious this morning about this case. It does seem to be a pretty bad case for them.

The next witness was Dr. Jamin Strong, superintendent of the Insane Asylum at Cleveland, Ohio. He stated that the average number of patients at that asylum is 625, and that he has treated in all over two thousand insane persons; his definition of in-anity was mental disturbance from disease; he made a personal examination of the prisoner in jail and observed him closely in court since the 5th of December; in the jail examination he had found the bodily condition of the prisoner good—because, as a rule, insanity is usually associated with the condition of bodily health.

"I will save you trouble, Doctor," the prisoner broke in.
"I'm in excellent health, and am not insane."

The Witness (sarcastically)—Yes; I agree with you in that respect.

The Prisoner—If you tell the jury whether my free agency was destroyed on the 2d of July, Doctor, you will help the matter.

Judge Cox (to the prisoner)—That is enough. Keep silence.

The Prisoner—There is a great lot of rubbish getting into this case and I want to prevent it if I can.

After the witness had resumed his statement the prisoner again broke in: In other words, you found that I was no fool. The Lord never employs fools to do his work. He employs the best brains, and he takes care of the man too, and will take care of me.

Mr. Porter—These interruptions by the prisoner are equally annoying to the Court and the jury and I insist that the rule must be enforced. When the prisoner speaks he must speak from the dock.

"You are very much excited this morning, Judge Porter," said the prisoner. "I have just as good a right to speak here as you have."

Mr. Scoville (defiantly to Mr. Porter)—Go on and make your motion to the Court. There is no necessity for your making a speech.

Mr. Porter (haughtily)—I am not to be controlled by you. Mr. Scoville has undertaken to insult eminent gentlemen in the witness-box.

Judge Cox—You are mistaken, Mr. Porter, I do not think that Mr. Scoville has done so.

Mr. Porter—I want to give an admonition to the prisoner, that on the very next instance of interruption by him I will insist on his being placed in the dock.

The Prisoner—Do it now and have the matter decided. I come here as my own counsel and in the name of the American people.

Mr. Porter—I now ask that, in the due administration of justice, the criminal be placed in the dock.

The Prisoner—As a matter of law the Court cannot do it. I am no criminal. I stand better than you in the community.

Mr. Porter—This man has sworn that he shot the President. He has declared in open court that he is perfectly sane, that he recovered his sanity within an hour after the deed.

The Prisoner—Yes, just as soon as I got my inspiration off the insane spirit left me.

Mr. Scoville—I would like to know what Mr. Porter meant by his speech.

Mr. Porter—I apply to the Court to direct the marshal to remove the prisoner to the dock. What I will do after that will depend on the continuance of these interruptions.

Judge Cox—That is a matter which I have under consideration. I give an admonition to the prisoner, but I do not want to act hastily in the matter.

The Prisoner—I will do whatever Your Honor pleases. I am entirely under the direction of the Court.

Mr. Scoville—Let Mr. Porter make his little motions. We do not oppose it.

The District Attorney—This is not a little motion at all. We have sat here under calumny and insult and outrage.

The Prisoner (interrupting)—I told you the truth, Corkhill, and every member of the Bar knows it, and knows that you are a first class fraud, and the American people know it. (Hisses from some of the audience, which were reproved by the Court).

The District Attorney—The dock is where this man belongs. I have no objections to his speaking from the dock when the time for him to do so comes. But if he attempts to interrupt the proceedings the marshal will keep him quiet.

The Prisoner—I do not come here as an ordinary prisoner.

"Keep silence," said Judge Cox, and the prisoner obeyed, remarking that he would do what His Honor said.

Then the witness proceeded with his narration of the results of his examination of the prisoner. The prisoner, he said, thought quickly and consecutively; he showed powers of language and coherence; the evidence which struck the witness with the greatest force was the prisoner's power of attention. This man showed that he had control of his mind, because a man cannot fix his attention on a given subject without exercising his will power. He could fix his attention on a given subject and then turn it to another subject, and that implied brain power. So the witness was thoroughly convinced that the prisoner's mental organization was thoroughly intact, and that all his mental processes worked smoothly and harmoniously. He was sound in his perceptions, his sensations, his thoughts, his will. Such a condition he looked upon as entirely incompatible with insanity. The power of attention was there, the power of consecutive thought, as well as coherency. The power of order and command, the power to check a movement, the power to force a retreat were there-all indicating very clearly that the prisoner's mental organism was sound and healthy. His power of discrimination had impressed the witness during his observations in court. He showed a keen memory and discrimination.

The two hypothetical questions prepared on the part of the prosecution were submitted to the witness and the reply to both of them was that in the opinion of the witness the prisoner was sane. Then the hypothetical question prepared on the part of the defence was put to the witness, who for a long time declined to give a direct answer to it on the ground that from his knowledge and observation he could not assume the correctness of the facts therein stated. Several of his answers in that direction were objected to by Mr. Reed and were ordered to be expunged from the record. The question was then asked him whether, assuming the facts as stated in the hypothetical case to be true, he would or could not give an opinion as to whether the prisoner was sane or insane when he shot the President.

The District Attorney protested against the form of the question, and said that when the professional integrity of a man who refused to throw into the jury box the weight of his character for the misrepresentation of this case was attacked he hoped that the Court would protect him, and he knew that the country would sustain the Court in doing so.

Mr. Reed replied (sarcastically) that this was the first time he had ever heard that there was any more sanctification in the character of an expert witness than in the character of any other witness. It was for the witness, not the District Attorney, to say whether he could answer the question. If he said he could not answer it, then he might stand aside.

Mr. Porter—The witness has not said that he cannot answer the question.

Mr. Reed (interrupting)—Mr. Corkhill says he has said so.

Mr. Porter (to Mr. Reed)—One moment, sir; wait till I get through.

The Prisoner (insultingly)—You are a big man this morning, Judge; you have a mouth like an old cat-fish.

Mr. Porter (resuming)—The witness has not said that he cannot answer the question. He has said that he cannot answer yes or no without an explanation. The counsel refuses him the right to answer unless he answers yes or no. I would like to know by what authority this gentleman (Mr. Reed) assumes to dictate to the witness. A false hypothesis is presented to a witness who knows it to be false, and the witness declines to put himself in the position of assuming facts which he knows to be false. Under those circumstances he is permitted to answer that he cannot conceive the prisoner to be in the condition as represented in the question. "You will get \$5,000 for that speech" (interrupted the prisoner.) "You are working for a \$5,000 fee, and that is the reason you cannot see it."

Judge Cox (to Mr. Porter)—Nevertheless, counsel for the defence has a right to put to an expert the hypothesis of a case which he will undertake to demonstrate to the jury as being supported by evidence. He can put that case and ask the witness whether he can answer it, yes or no. If the witness says he cannot answer it, the witness can then give his reasons.

Mr. Reed-That is all I want.

After a further tilt between Mr. Porter and Mr. Reed, in which the prisoner intervened with the remark, "Porter is very badly cranked this morning," Mr. Reed repeated the question, "Can you give an opinion on that state of facts?"

The Witness—I can give an opinion. I don't know whether it would be an opinion. I can give an impression.

Mr. Reed-What is it?

The Witness—That so far as the alleged statements in that hypothetical question are concerned, if all those assumptions are true, they would apply to a person who might be insane.

Mr. Reed-Was the person sane or insane?

Mr. Porter objected, on the ground that the question had been already answered.

The Prisoner—You will be in an insane asylum soon, Porter.

An examination of the record having shown that the question had not been specifically answered, it was repeated.

The Witness—If the assumptions were true, they would apply to a man who might be insane.

The Prisoner—Well, you are the stupidest fellow we have had.

Mr. Reed (persistently)—Was the person sane or insane? The Witness—It would indicate or point toward insanity.

On re-direct examination the witness testified that no hereditary insanity entered into the present case. This answer was stricken out on objection by Mr. Reed. The witness detailed an interview which he had with the prisoner in the jail. He asked prisoner whether his inspiration was manifested in the form of an audible voice. "No," replied the prisoner, "I don't believe in any such nonsense."

A delusion in witness' judgment that would culminate in an act of homicide on the 2d of July would imply a degree of profound mental disturbance which would manifest itself after the commission of the act.

The Prisoner-You and Dr. Stearns do not agree on

that. It was not an insane delirium. I only claim that my free agency was destroyed.

The Witness—A vicious propensity will neutralize free agency.

Dr. Abram M. Shew, superintendent of the Middletown (Conn.) Hospital for the Insane, was the next witness. He stated that insane criminals were more egotistical, self-willed and ignorant than sane criminals. They lacked those characteristics which were considered associated with culture and manhood. From his examination and observation of the prisoner, it was his opinion that he was sane, and assuming to be true the facts stated in the hypothetical question of the prosecution, in his opinion the prisoner was sane on the 2d of July.

After the half-hour's recess, which was taken at this point, the cross-examination was conducted by Mr. Reed.

It was true that sometimes insane persons had good memory and keen perception; that they deliberated before acts and planned escape afterward; there might be exceptional cases where insane persons could conduct business without their insanity being suspected by casual observers; in ninety-nine out of a hundred cases of insanity an expert would have no trouble in telling whether a man was insane or not.

The prisoner here broke in with the remark that, though socially the experts might be very fine men, he would not give a cent a bushel for their opinions.

The Court commanded him to keep silent, and Mr. Porter reminded him that the suggestion to have him placed in the dock was in abeyance.

Witness did not think that the prisoner had in court feigned insanity, but had merely acted out his natural impulses; the fact that an overt act of crime was committed by a person supposing he was doing God's will would not necessarily furnish evidence of unsoundness of mind; it would indicate a delusion, but not an insane delusion.

The next witness was Dr. Orpheus Evarts, of College Hill, Ohio, medical superintendent of the "Sanitarium," a private hospital for the insane. He had treated in the neighborhood of four thousand insane patients, and he gave instances of persons who believed themselves inspired; this inspiration extended to the general acts of the person; the fact that a man believed that he would live forever was no indication of insanity; he attributed no significance to the shape of the head, because no two insane persons that he had ever met had heads alike; if a man should, after committing an act, express remorse for it, that would indicate that he was capable of reasoning, of reviewing it and passing upon it.

The Prisoner—It would indicate that he was a good fellow.

From his examination and observation of the prisoner the witness had formed the clear opinion that he was sane on the 2d of July.

The Prisoner—It is the universal opinion of the entire American press that that act was the act of a madman. They could not conceive that a man in his right mind could do that thing. These experts have seen me since then, and because I am sane now they think I was sane then.

Cross-examination by Mr. Reed—Witness did not think that prisoner was feigning insanity in the court room, neither was he perfectly insane; insane persons did not have good memories; he had never heard of an insane man denying his act after it was committed.

Mr. Scoville questioned the witness minutely as to the cases of inspiration, and the latter related the case of a woman who believed that she could raise the dead; in his early days he should have thought that she was insane, but after long experience he would be very careful in making up his mind; he did not regard it as a proof of insanity.

Redirect—The prisoner seemed to be exaggerating his own peculiarities.

Recross—Q. Suppose he, from day to day in court, does things which are entirely consistent with what a sane man would do under the same circumstances, what would that indicate? A. If he had a motive and was smart enough to do it, I should think it consistent with sanity; he has been exaggerating his own peculiarities.

Q. What are his peculiarities? A. Egotism, sharpness, smartness, vulgarity, ingratitude.

Q. Is not intense egotism an element of insanity? A. Sometimes.

Mr. Davidge—"A man may play many parts." Is that not so, Doctor?

The Witness-Yes.

Mr. Scoville stated that on account of sickness in the family it was necessary for Mrs. Scoville to return home, and with the consent of the prosecution that lady was called to the stand.

Mr. Scoville desired to prove that the insanity of Mrs. William S. Maynard was concealed from her children, one of whom, Mrs. Wilson, testified that she had never heard of her mother's insanity.

Mr. Davidge objected to Mrs. Scoville testifying to this fact and the objection was sustained.

Mr. Scoville then put in evidence a letter written by L.

W. Guiteau in 1875, in which he states his belief in his son's (the prisoner's) insanity. This is the letter read by Mr. Scoville on the night of his lecture.

The Court then, at a quarter to three, adjourned until Tuesday. As the handcuffs were being placed upon the prisoner he broke out with, "To-morrow is Christmas. I wish the Court, the jury and the American people, and everybody else a happy Christmas. I am happy."

Mr. Davidge acknowledged this compliment and replied, "Thank you, Mr. Guiteau. I thank you very truly for your good wishes." Guiteau, as he moved away, said to him, "I am very much obliged to you, for you argue my side of the case. I am happy." Thus they parted, the prisoner to his cheerless cell and the lawyer to his happy home, each to rest and await the Christmas morn.

Among the visitors at the jail on Christmas day were John W. Guiteau and a score of reporters. In reply to his brother's question, "How are you to-day?" Guiteau replied, "I'm very well and feel fine."

"Here's somebody you will be surprised to see," remarked Wilson Guiteau, as he presented the Oneida Community trap inventor, Mr. Newhouse, a venerable and well preserved man of seventy-five years.

"I am glad to see you," said Guiteau. "It has been fifteen or sixteen years since I saw you. How old are you? What is the name of your son?"

Mr. Newhouse answered these questions and then the prisoner's brother gave him a package of forty letters received since yesterday. Seating himself at the table, Guiteau, with a business-like air, began to open the letters and read each one carefully. Among the letters was one containing a handsome Christmas card. The beautiful, bright

card, with its happy words and picturing, had no charm for Guiteau. Turning to his brother, he said, "I have no place for it here; I will give it to Frankey," meaning his sister, Mrs. Scoville, but with this he smiled and again said, "I feel splendidly to-day. I went to bed last night at seven o'clock and had a good sleep. I had a slight touch of malaria night before last, but it amounted to nothing."

"Here's a letter from Mr. Townsend," said his brother.

"Is he coming?" quickly asked Guiteau.

"No," was the simple answer of his brother.

"He is a very fine man," said Guiteau, and as he opened the letter remarked to his brother: "Have you newspapers? You haven't! Why, you should always bring me a paper. I haven't seen a paper since yesterday."

He then read Mr. Townsend's letter, which is as follows:

"NEW YORK, Dec. 22d, 1881.

"Dear Sir:—Your letter of yesterday has just reached me, and as you request I reply at once. I cannot comply with your request for several reasons. First, my business engagements prevent; second, which more directly concerns you, I could not do you nearly as much good as Mr. Scoville, for what he may lack in experience in the practice of criminal law, he has made up in the high-toned manner in which he has conducted the case, and in his devotion to your interest; third, as President Lincoln well observed, "It is a bad time to change horses while crossing a river." You are incorrect in saying that Mr. Scoville elbowed me out of the case. On the contrary, in accordance with your desire, he urged me to take part with him in the case, and firally suggested that I should close

the case for the defence. Had I been able to do so I should most certainly have helped him, as I realize his labors have been most severe. If you will be guided by my advice at all, do not change your counsel now. Mr. Reed, who has a fine reputation, is all the advice Mr. Scoville needs. Yours truly,

'JOHN D. TOWNSEND."

Guiteau's only comment was: "He seems to think Sco-ville and Reed can do the business. So do I."

Guiteau was specially pleased with a postal from a Baltimore lady, who said she was deeply interested in his welfare and trial and would talk with him about other matters hereafter. He was interrupted here by a turnkey asking if he had seen John Cavanaugh, a repentant, one-armed exrebel and religious enthusiast, who to-day has been distributing among the jail prisoners a long tract concluding with the words:—"Only such as are led by the spirit are the sons of God. These are harmless and undefiled and separate from sinners." When Guiteau said he had not seen him, the turnkey gave him one of the tracts; but the prisoner paid no attention to it, as he was too much interested in his letters.

The turnkey then asked, "Do you want to get shaved to-day?"

"Yes. Bring him in," replied Guiteau, referring to the jail barber.

"Do you want your mustache taken off?' he was asked.

"Yes, a clean shave—everything off," was the quick response of the prisoner, as he nervously opened a letter.

"Don't you think you had better leave your mustache on?" asked the turnkey.

"No. It has been a week since I shaved. I have not

shaved since Mills took the cast a week ago to-day." His brother made some inquiry about his new underclothes, and after answering him Guiteau remarked:—

"You see I have been writing for the Associated Press all day. The agent pays for it, and you pay for what you get from me. All these newspaper men have been getting rich out of me, and so has Corkhill. He is wasting the Government's money in this trial." He said this to the reporters, and when asked where he was a year ago, remarked:—

"I'm telling all about it in this very article, and where I have been for the last five years. It has new matter in it; it is spicy and readable."

Being asked what he thought of the expert testimony he replied:—"I gave my opinion of that yesterday. I wouldn't give a cent a bushel for it. The Lord will take care of me." He now read a letter wherein he was threatened with assassination. The letter was as follows:—

"NEW YORK, Dec. 23, 1881.

"MISERABLE MURDERER—Three friends and myself have determined to go on to Washington and put an end to your farcical trial by sending you to your Maker. We shall take up different positions in the court room, and at a given signal four bullets will plunge into your filthy carcass. Make preparations to leave this world at an early moment.

"Four Men Without an Inspiration."

This amused Guiteau, who laughingly remarked, "Some lunatic asylum doings." With rather a sad manner he continued, "I pay no attention to these fellows. Most of the letters I get are friendly and the rest are for my autographs." With a studious air Guiteau read a Philadelphia

letter with the signature of David S. Wilson. He said:—
"Here's a document that says that President Arthur and also a Pennsylvania Governor in their fast day proclamations said the removal of President Garfield was an act of God, confirming my position, you see. That's a good point. Put that in the papers, gentlemen. Read that letter carefully. There's the official announcement—see it there." He spoke the latter words with eagerness and handed the letter to the reporters. The official announcement was a newspaper extract containing the President's proclamation for a day of fasting and prayer.

"What do you think of the dock?" he was asked.

"Oh, nothing whatever. The court has no discretion in this." He now became more animated, and in a moment laying down his letter, said in an earnest tone: "I don't care anything about the dock. Can't I talk just as well in the dock as elsewhere? I'm bound to be heard. I don't care for that. Judge Cox wouldn't do it. The prosecution begin to see they haven't a case against me. I never saw them act so silly as yesterday—especially Porter."

"But suppose they put a policeman by your side in the dock?"

"Oh, what does that amount to? Haven't I already three with me in court?"

His irascibility gradually increased, and, continuing, he said: "You might say, what I haven't put in this document I am preparing, that I would not be afraid to go anywhere if they turn me loose. I am not afraid to walk alone all over Washington, Baltimore, New York, or any other place. I am not afraid of being shot or hung. The Lord and the people don't agree in this business. I'd rather have the Lord on my side than all the people. Experts

say I am not an insane man; they are not wrong in this. Never have been since the removal of the President and don't pretend to be." His agitation quickly disappeared, and as he resumed the examination of his mail his brother was patting his foot on the stone floor of the cell. "Don't make that noise, if you please," he quickly exclaimed. Occasionally Guiteau would say, "All these letters are from people who want my autograph."

Reading aloud one letter, the writer of which compliments his book, "Truth," and requests an autograph of the distinguished author, he leaned back in the chair and said: "Signs his initials; don't give his name. Most of these letters are from cranks; they can hardly write; they can hardly sign their name; they are low people. A man wants my autograph from New York. Ha! ha!" and with this he leaned on the table, and after his laugh ended remarked, "There are fifty millions of people in the United States, and all these crank letters come from two or three persons. That's pretty good. It shows that there are only two or three dozen cranks in fifty million people. Ha! ha! ha! that's pretty good." A letter containing a death's head caused Guiteau to frown, as did also a card of a Baltimore house containing his picture, across the forehead of which was written "Guilty."

The scowl gave way to an expression of delight as he read the next missive. With elevated eyebrows and a smile he remarked, "Just look at this. Here's a lady who says if I give her \$5 she will come to Washington and swear that I am as mad as a March hare. I guess I'll send her the \$5. It is from New York." With a good deal of interest he took up another missive and exclaimed, "Another postal from a New York lady who says she is

inspired by the Lord! She says she will come here to save me, as I am a Christian man, from the Lord's enemies, Porter and Corkhill. That's so." And with this he roared with laughter, but at once checked it and said in an emphatic tone, "There isn't a single one of these cranks that can write a decent hand. Only look at these letters. It all comes from ignorance. My! my! All from ignorance. What a pity!" He then began to read a letter containing several three-cent postage stamps; the writer stating that he had taken a great interest in his trial and wanted to see fair play, as well as to get one of his autographs.

Being asked what he thought of the trial of Guiteau answered: "I think everything is going on well, and I have a fair trial. I am perfectly satisfied. Mr. Davidge is a very clever man. Why, on leaving the court room vesterday I wished him a happy Christmas and told him I would expect him to make a good speech for my side of the case. Why did I call Porter a catfish-mouth man? Why, it just popped into my head. That's the way all these things come in my head. They come on the spur of the moment." With this Guiteau turned to the mail and opened an envelope containing a beautiful Christmas card, representing a bird with an olive branch in its mouth and a ladybug resting on one of the leaves. The beauty, as well as the artistic design of this tribute, to say nothing of the joyous greeting, "A happy Christmas!" had no charm for Guiteau, who, handing it to a reporter, remarked, "It is from a crank at Carroll City, Iowa. It is marked 'United States Jail.' Had I not been in jail I would not have got the card, as it has no other address on it. That's the way I got it. The man must be a fool. He signs the card, 'K. Chunk,' 'K. Chunk,' 'K. Chunk.'" He uttered

this in a natural tone of voice and broke into a laugh as he said, "That must be his name, 'K. Chunk.'"

At this juncture several other visitors came to the cell, and, after shaking hands when introduced by General Crocker, the warden, he reseated himself, and, without noticing the new comers, resumed the examination of his mail. The remaining letters were of no public interest, but as he read each one he made some comment and arranged them in a pile against the wall. Turning around he said, with a wave of his hand, "That's all my correspondence, gentlemen." Being asked how many letters he received daily, he counted the pile. "Here are forty," he said; "these make up my mail for two days; I get about twenty a day; mostly all want my autograph. Cranks can hardly write their names. One of these letters says, 'There is \$2.50 enclosed." John, you or Mr. Scoville must have taken it out. That's all right." As the visitors withdrew Guiteau shook each by the hand and wished them a happy Christmas. During the day a number of ladies called to see him, and the warden was as accommodating as possible, although his patience must be sorely taxed because of the large number of visitors who desire to see the prisoner.

CHAPTER XVII

Guiteau's Christmas Greeting.—His Sufferings as a Patriot.— Protected by the Deity.—His Personal History.—He Claims Inspiration.—Dr. Macdonald's Damaging Testimony Against Guiteau.—Sanity of the Prisoner Deduced from Observations of the Prisoner in Jail and in Court.—The Prisoner Removed to the Dock.

GUITEAU prepared during the holidays the following Christmas Greeting, which he gave to the newspaper correspondents for publication:—

"To-day is Christmas and I greet the American people

with a merry Christmas.

"Last Christmas I was in New York. I was boarding in a first-class house and was finely dressed. I attended church and had a quiet and pleasant day. Two years ago I was in Boston, but was not so well fed or clothed. I was on theology. There is no money in theology; I left a five thousand dollar law business in Chicago in 1877 for theology. I went into theology to serve the Lord and preach the Gospel. I had about as much trouble to get in my work on theology as Paul did. He hungered and thirsted and was naked and had no certain dwelling place, but he preached the Gospel as he understood it, although he had a hard time. Since he left the earth his work and name have come down the ages. Christ and Paul did their work and left the result with the Almighty Father, and I do the same. Christmas, 1878, I was in St. Louis. I was in very reduced circumstances. I had been on theology a year. I had spent the year travelling, mostly in the East, trying to preach the Gospel by lecturing and selling my lectures in Washington, New York, Boston, Chicago and

other cities. I felt the Lord put this work on me, and I did the best I could. I had no friends and little money. Christmas, 1877, I spent in Philadelphia. I was well fed and clothed and was trying to lecture. Christmas, 1876, I was in Chicago and was working with Mr. Moody and writing my lecture on 'Christ's Second Coming,' A. D. '70.'"

"To-day, Christmas, 1881, I suffer in bonds as a patriot, but I am in honorable company. Washington was a patriot, Grant was a patriot; Washington led the armies of the Revolution through eight years of bloody war to victory and glory. Grant led the armies of the Union to victory and glory, and to-day the nation is prosperous and happy. They raised the old war cry, 'Rally round the flag, boys,' and thousands of the choicest sons of the Republic went forth to battle, to victory, or death. Washington and Grant by their valor and success in war won the admiration of mankind. To-day, Christmas, 1881, I suffer in bonds as a patriot because I had the inspiration and nerve to unite a great political party to the end that the nation might be saved another desolating war. I do not pretend war was immediate, but I do say emphatically that the bitterness in the Republican party last spring was deepening and deepening hour by hour, and that within two or three years or less the nation would have been in a flame of civil war. the presence of death all hearts were hushed; contention ceased. For weeks and weeks the heart and brain of the nation centred on the sick-room in the White House. last he went the way of all flesh, and the nation was in mourning.

"And to-day, Christmas, 1881, I am on trial for my life,

charged with murdering the late President.

"There is not the first element of murder in this case. To constitute the crime of murder two elements must co-exist: First, an actual homicide; second, malice in law or malice in fact. The law presumes malice from the fact of the homicide. There is no homicide in this case, and, therefore, no malice in law. Malice in fact depends on the circum-

stances attending the homicide. Admitting that the late President died from the shot, which I deny as a matter of fact, still the circumstances attending the shooting liquidate the presumption of malice, either in law or fact. Had he been properly treated he probably would have been alive to-day, whatever my inspiration or intention. The Deity allowed the doctors to finish my work gradually, because he wanted to prepare the people for the change and also confirm my original inspiration. I am well satisfied with the Deity's conduct of the case thus far, and I have no doubt but He will continue to father it to the end, and the public will sooner or later see the special providence in the late President's removal.

President's removal.

"Nothing but the political situation last spring justified his removal. The break in the Republican party then was widening week by week, and I foresaw a civil war. My inspiration was to remove the late President at once, and thereby close the breach before it got so wide that nothing but a heartrending and desolating war could close it. The last war cost the nation a million of men and a billion of money. The Lord wanted to prevent a repetition of this desolation, and inspired me to execute His will. Why did He inspire me in preference to some one else? Because I had the brains and nerve, probably, to do the work. The Lord does not employ incompetents to serve Him. He uses the best material He can find. No doubt there were thousands of Republicans who felt as I did about the late President wrecking the Republican party, and had they the conception, the nerve, the brains, and the opportunity and special authority from the Deity, they would have removed him. I, of all the world, was the only man who had authority from the Deity to do it. Without the Deity's pressure I never should have sought to remove the President. This pressure destroyed my free agency. The Deity compelled me to do the act, just as a highwayman compels a man to give him money, often placing a pistol at his victim's head. The victim may know it is absolutely wrong for him to give money that his wife and children need, but how can he keep it with a pistol at his head? his free agency is destroyed, and he gives his money to save his life. This irresistible pressure to remove the President was on me for thirty days, and it never left me when awake. It haunted me day and night. At last an opportunity came and I shot him in the Baltimore and Potomac depot. As soon as I fired the shot the inspiration was worked off and I felt immensely relieved. I would not do it again for a million dollars. Only a miracle saved me from being shot or hung then and there. It was the most insane, foolhardy act possible, and no one but a madman could have done it. But the pressure on me was so enormous that I would have done it if I had died the next moment.

"Heretofore political grievances have been adjusted by war or the ballot. Had Jefferson Davis and a dozen or two of his co-traitors been shot dead in January, 1861, no doubt our late Rebellion never would have been. General Grant suppressed one war and Providence and I saved the nation. As time advances the public will appreciate this fact more

and more.

"To-day, Christmas, 1881, I am in jail and have been since July 2. I have borne my confinement patiently and quietly, knowing that my vindicator would come. Thrice I have been shot at, and came near being shot dead, but the Lord kept me harmless. Like the Hebrew children in the fiery furnace not a hair on my head has been singed, because the Lord, whom I served when I sought to remove

the President, has taken care of me.

"My trial seems progressing well. Judge Cox I consider just the man for the case. He is able, conscientious, and careful. I have a bright jury and I wish them to pass on my case. I judge they are good men. They listen with the greatest interest to the testimony and addresses, and I presume they will give this case their most solemn attention and dispose of it according to the facts and the law, and I believe the high-toned press of the nation will acquiesce in their verdict. The prosecution have introduced certain witnesses who are guilty of rank perjury, and it has excited

my wrath and I have denounced them in plain language. I hate the mean, deceptive way of the prosecution. My opinion of the District Attorney is well known. The defence has been fortunate in having sufficient counsel, but notwithstanding this I expect justice will be done me and my motive and inspiration vindicated. People are saying: 'Well, if the Lord did it, let it go.' I expect this spirit will grow. I am highly pleased with General Arthur. He is doing splendidly in his new position. Had General Garfield done as well, he probably would have been alive to-day. He was a good man but a weak politician. I am especially pleased with General Arthur's conciliatory spirit and wisdom toward the opposition. It is exactly what I wished him to do, viz., unite the factions of the Republican party, to the end that the nation may be happy and prosperous.

"My life has been rather a sad one. My mother died when I was seven. My father was a good man and an able one, but a fanatic in religion. Under his influence I got into the Oneida Community at nineteen and remained six years. Three years after this I was unfortunately married and so continued four years. Soon after I was divorced I went on to theology three years. My life in the Oneida Community was one of constant suffering. My married life the same. My theological life one of anxiety, but I was happier at that than anything else, because I was serving the Lord. My life has been isolated. During my six years in the Oneida Community I got estranged from my relatives. I might as well have been in State prison or a lunatic asylum. I never was able to forgive my father for running me into that Community. If it had not been for this I should have had a far happier life, but let it go! Forgetting the things behind I press forward. I have no doubt as to my spiritual destiny. I have always been a lover of the Lord, and whether I live one year or thirty I am His. As a matter of fact I presume I shall live to be President.

"To-day 1,881 years ago the Saviour of mankind was born in poverty and obscurity. He moved up and down Judea and spoke as one having authority. Vast multitudes followed him. He cast out devils, healed the sick, restored the blind and deceased, told the multitude who He was and what He came for, that God the Father had sent Him to point the race the way to eternal life. This wonderful Being had nowhere to lay His head. He had no money. He had no friends. He never travelled. He never wrote a book. He was hated, despised and finally crucified as a vile impostor. Then back He went to the bosom of His Father. During His ministry He drew around Himself a few despised individuals who were as poor as Himself. They had no money and no standing in society and were mostly fishermen. Outwardly, like most other great events in human history, the origin of Christianity was an absolute failure. It was like a seed planted, and it had to grow little by little. Time has developed it into a gigantic tree overhanging the globe. The mob crucified the Saviour of mankind, and Paul, his great apostle, went to an ignominious death. This happened many centuries ago. For eighteen centuries no men have exerted such a tremendous influence on the civilization of the race as the despised Galilean and his great apostle. They did their work and left the result with the Almighty Father. And so must all inspired men. They must do their work and leave the result with the Deity, whatever becomes of them personally. The worst that men can do is to kill you, but they cannot prevent your name and work from going thundering down the ages. God always avenges those who injure his men. Christ's contemporaries crucified the Almighty's only Son, but he got even with the Jewish race at the destruction of Jerusalem, A. D. 70, when Titus, a Roman general, razed that city to the ground and slaughtered over eleven hundred thousand Jews, and from that day to this the Jews have been a despised, a downtrodden race. The mills of the gods grind slow, but they grind sure. Woe unto any man or men that persecute God's man. The Almighty will follow them in this world and in the next. own case. When the pressure to remove the President

came on me I spent two weeks in prayer to make sure of the Deity's will. At the end of two weeks my mind was fixed as to the political necessity for his removal, and I never had the slightest doubt since about the divinity for the act and the necessity for it. Thus far the Deity has fathered the act to my entire satisfaction. He knows I simply executed His will, and I know it, and a great many people are beginning to see it, and they will see it more and more as time advances. I put up my life on the Deity's inspiration and I have not come to grief yet and I have no idea I shall, because I do not think I am destined to be shot or hung. But that is a matter for the Deity to pass on and not me. Whatever the mode of my exit from this world, I have no doubt but my name and work will go thundering down the ages, but woe unto the man that kills me, privately or judicially.

"United States Jail, Washington, D. C., "Christmas, 1881,"

The seventh week of the Guiteau trial began on Tuesday, the 27th day of December, with no appearance of any abatement in the public interest. As soon as the handcuff's were removed from the prisoner he said in a pleasant tone:-"I had a nice Christmas. I hope everybody else did. I had a nice Christmas dinner—fruits, flowers, candy, plenty

of lady visitors and gentlemen."

Dr. A. E. Macdonald, medical superintendent of the New York City Asylum for the Insane, was the first witness called. He gave a detailed account of his experience with insane persons, and stated that more than six thousand cases had come under his care; in August last he had been a delegate to the International Medical Congress in London, and was professor of medical jurisprudence in the University of New York; he defined insanity as a disease of the brain, manifesting itself in a departure from the ordinary views and conduct of life; a delusion might be a sane or an insane one; a sane delusion was one which would be corrected when the means of correction was presented: an insane delusion would not be.

Being asked as to cases of inspiration coming under his notice, he said that regarding the word "inspiration" in the strict sense of something entering into a man and driving him to a certain course of conduct, he could not recall one case among the six thousand patients he had seen; but if the word were given a more extended meaning and made to include cases receiving instructions from the outside (principally from the Almighty), of course the number would be very much greater; in his experience those instructions always came through one of the senses; the patient either hears the voice of God or sees "the writing on the wall" or something of that kind; frequently patients draw their instructions from the Bible; they read the Bible, apply to themselves certain verses or texts and carry out the inspiration in that way. The witness gave several illustrations derived from cases that had come under his notice. Being asked as to whether insane persons usually published or concealed their inspiration, he said that in his experience "inspiration" was altogether too important to be concealed by the insane. Being asked as to whether persons claiming inspiration are subject to the ordinary fear of danger, his answer was that inspiration always overrides any natural fear.

Q. Are irresistible impulses sudden in their character, or are they matter of thought, deliberation and preparation? A. They are very sudden, both in conception and execution.

Q. Is an impulse that is successfully resisted for two or three weeks properly speaking an irresistible impulse? A. I should not consider it so.

Mr. Scoville excepted to the admission of this question and answer.

Q. There was a horse doctor here that testified (using the vernacular of the stable) that the Guiteau family was "drenched with hereditary insanity."

Mr. Scoville interrupted and objected to the question.

The Court—It reflects on a witness.

Mr. Davidge (to the District Attorney)—Strike out the "horse doctor," but leave in the "drench."

The Court—I don't think it is a regular mode of inter-

rogating a witness.

The District Attorney changed the form of his question, and the witness replied that he did not believe that insanity was hereditary. There might be a constitutional defect transmitted, but not the disease itself. As a rule the descendants of insane persons did not become insane; if they did, everybody in the world would be insane; the tendency was more toward health than toward the inheritance of disease. Being asked as to whether the claim of a man that he would live forever was evidence of insanity, he said that that would depend upon whether the man's actions were consistent with his words. If a man claimed that he would live forever, and yet make his will and insured his life, he would regard those acts as belying his words.

The prisoner here interposed, saying, "There are two kinds of insanity, Doctor—crank insanity and the Abraham style of insanity. I belong to the Abraham school. What do you think about Abraham, Doctor? He is my ex-

ample. That is the school I belong to."

On being asked as to moral insanity, the witness said:—
I do not believe in it; I have never seen a case of it; moral insanity is another name (and has been since its invention) for wiekedness or eraft; it was first used at the time of the French Revolution to excuse the slaughter that took place; I do not mean to say that there is no such thing as insanity showing itself in the disturbance of the moral nature; an insane man gives evidence of insanity through his moral actions as well as through his mental actions; but I do say that there is no such disease as moral insanity.

The witness went on to give definitions and illustrations of emotional insanity, partial insanity and monomania. In regard to the latter, he said that a monomaniae might be insane at the time of the act and sane a moment afterward.

"That is my case exactly," interposed the prisoner.

The District Attorney—There was a young man from Chicago who called himself an agnostic who said that one person in every five is insane. What is your opinion as to the proportion?

Mr. Scoville demanded the reading of the question, but did not object to it, saying, however, indignantly, "the District Attorney may cast reflections on our witnesses if he thinks proper. Let him go on his course if he likes. We will wait until we get to the jury."

The District Attorney-Then you had better wait.

The witness stated the proportion of the insane to the sane differed in different countries; in 1870 the proportion was 1 to 1,000 in New York State; according to the latest statistics it was 1 to 800, in New York city, 1 to 500; in England, 1 to 300; the acts of insane people were rapid, and there was not the same preparation for their acts as among the sane; they were not so apt to plan an act except such an act as endeavoring to escape from an asylum; they did not generally make the same selection of weapons that a sane man would do. Insane persons had no personal fear and were, generally speaking, dramatic in the commission of acts. No insane person would postpone the commission

of an act from the fear of hurting some one else.

Being asked as to the standing of Doctor Kiernan, one of the expert witnesses for the defence, and as to why he was discharged from the hospital at Ward's Island, objection was made to the inquiry on the ground, first, that a witness could not be contradicted on a collateral matter, and second, that one expert could not testify as to the incompetency of another expert. After argument the objection was sustained as to the first point and overruled as to the second. The whole matter, however, was waived by the District Attorney. The attention of the witness was then directed to the case of the patient Williams, to whom Kiernan had referred as an illustration of insane inspiration. The witness described Williams as a clergyman laboring under chronic mania, but who never claimed to act under Divine inspiration. His attention was then directed to the case of David Wemyss Jobson, who had been referred to by Dr. Kiernan as a man who had been insane from his birth. The witness knew Jobson, who was admitted as a patient after he was sixty years of age; he had been connected with the New York newspaper press for several

years, and although that was no evidence that he was not insane (laughter), he certainly was not, in the witness' opinion, one who had been insane from his birth; he had a

well-marked and appreciable form of insanity.

Witness visited the prisoner in the jail on the 13th of November, remaining from eleven to one o'clock. I questioned him, continued the witness, about his former life, and he immediately went to his bed and brought out a copy of the New York Herald, which he handed me, saying that I would find the answer in that; I made the usual examination of him; I did not go into the physical examination extensively; he gave me in substance the same history of his life as is being testified to here by himself particularly; I questioned him particularly about the delay in the execution of the act from the time at which he said he had conceived it: he told me that the idea came to him—that he conceived the idea about six weeks before the execution of the act; he did not speak of it to me as an inspiration, but as a conception—a conception of his own; all through the interview he spoke of "When I conceived the idea," "so long after I conceived the idea," and so on; he said that after conceiving the idea he tried to put it aside, that it was repugnant to him at first, that he waited for a week or two to see if the Lord would interfere and prevent its execution; at the end of two weeks he formed the deliberate purpose of executing the act, and set about seeking the most favorable opportunity for its commission; he had already told me that it was the act of God; that he always said with a great deal of emphasis, always bringing down his fist, always in a loud voice, and always with a particular look on his face; I asked him why he did not leave the execution of the act to the Almighty; he hesitated for a moment in answering, but finally answered that the Almighty did not make all the arrangements for the execution of acts, but left some of the details to be carried out by the persons who performed them; I asked him what his expectation as to the outcome was; he said he gave himself no concern, that the Almighty had taken care of him so far and would do so throughout the trial, I

asked him why he should have arranged for the detailing of troops at the jail; then again he hesitated and flushed in the face; he went on to say that some details were left to him; he said he had no doubt that he would be acquitted on the ground of insanity; he said he had been looking up the subject of insanity, and while he was not medically insane he was legally insane and would be acquitted on that ground: I asked him what disposition would be made of him; he replied that he would be sent to an asylum; I inquired whether he would like to stay there all his life; "Oh, no," he said, "I have been looking up the law and find that after being there a short time I can apply for a commission to examine me; of course that commission will find that I am not insane and then I will be discharged." I found no evidence of insanity in the shape of his head or in the appearance of his face.

The District Attorney—From your personal examination of the prisoner and your careful observation of him during the trial is he in your opinion a sane or an insane

man?

The Witness—I believe him to be a sane man.

The District Attorney—Do you think that he has been feigning and playing a part, or that he has been acting out

his natural character?

The Witness—In my judgment the man has been playing a part all the time in court; I base that opinion on my observation of him in the jail and his conduct during my visits to the jail as contrasted with his conduct here; I base it also on my observation of him, extended all through the trial, and on the gradual development of the changes which I think I have detected in his action and behavior; in the first place his conduct in the jail was in marked contrast with his conduct in court.

"Because I am not abused in the jail," interposed the

prisoner.

The Witness—In the jail he is very quiet, gentlemanly, well behaved; he answers very readily and is very courteous in every possible manner; he has not shown excitement

there except in the one sentence which he brings in from time to time—that the Deity did the act and not himself, that it was an act of God and not of himself; when making that statement there is always a raising of the voice, always a more intense expression of the face, always the same action of the hand, and these, in my judgment, were assumed; immediately before that exclamation and action and immediately afterward there was that settling down to the quiet demeanor which we do not find with insane persons making the same assertion. In one instance, at the conclusion of my interview, he complained of fatigue and lay down on the bed. While lying there something in the conversation prompted this declaration once more. He got through the half of it in the tone of voice which he had been using throughout the interview; then he suddenly stopped, sat up in bed and commenced the declaration over again with the same emphasis, the same change of facial expression and the same action. As to his conduct in court I can only give my judgment upon it by contrasting it with what my general observation of insane persons would lead me to expect under the same circumstances; I think that an insane person showing such excitement and making such interruptions would not have so much method or so much deliberation in the selection of the time and nature of these interruptions; they would be made simply when the impulse came upon him, without reference to what particular phase of the trial was in process, and without regard to whether the evidence that was being given was for or against him; the conduct of an insane person would not be characterized by selection, as is shown by the prisoner in these interruptions; there has not been in the prisoner the same frankness as you would find in insane persons; take the instance of Dr. Spitzka's letter; an insane man who snatched up that letter and proceeded to blurt out its contents would have blurted out the whole letter and not merely that part of it which seemed specially favorable to himself.

The Prisoner—I had no chance to state the whole of it. I was cut off.

The Witness-During the trial I have noticed that the prisoner had access to newspapers and that he has read them in court, but I have noticed that he has not been always reading newspapers or books when he pretended to be, but that he has been sometimes looking over the top of the book or newspaper either at the witness or jury; I have noticed that he has shown a keen interest and appreciation in the progress of the trial such as I do not think an insane man would show-especially an insane man who was convinced of the care of the Almighty; I have noticed that his conduct in court, the mode and manners and ways of the interruptions, have varied as the comments of the newspaper press have varied; I have noticed that the interruptions have been made when the evidence was telling against him and not when the evidence was in his favor.

"You are making a great ado about nothing," interrupted the prisoner; "I do not pretend that I am insane

now."

The Witness—I noticed that when the evidence was in his favor he made no interruptions whatever; for instance, on the direct examination of his brother when the evidence appeared to be in his favor there were no interruptions; but on the cross-examination of his brother as to the question of his father's sanity, when some testimony was given that told against the prisoner, he broke out in interruptions.

"Tell us what you think about Abraham, Doctor," said the prisoner, "and then get your money and go home."

The Witness—I noticed that, when a witness first comes upon the stand, the prisoner's behavior is such as would impress the witness in his favor, but as the testimony proceeded, and as facts were developed contrary to his expectations and against his interests he has commenced interruptions, and his interruptions have increased as the weight of the evidence against him has increased.

The Prisoner-I have only interrupted people in order

to get the exact truth.

The Witness—The newspapers have also noticed the facts that the interruptions were only made when the evidence was against him.

The Prisoner (with an expression of profound disgust) --

Oh! there is no limit to this diarrhea of words.

Mr. Scoville also objected to the witness undertaking to review the whole case and to his deciding whether evidence

was for or against the prisoner.

Judge Cox—The witness is giving his reasons for the impression made upon him by the prisoner's conduct, and it is very hard for him to avoid sliding into argument. I do not see how he can be prevented from stating the reasons why an impression was made upon him.

The Witness—I was about to instance the prisoner's conduct toward his divorced wife—his threats against her if she should appear in court, and his failure to fulfil those threats after they had been spoken of as an evidence of de-

pravity.

"That was because Corkhill let her off," interrupted the

prisoner.

The Witness—I noticed the fact of his interruptions being mainly to those witnesses who were called for the prosecution and not those who were called for the defence.

. The Prisoner—They were just as much to the witnesses for the defence as to the witnesses for the prosecution, when they told falsehoods. All my interruptions were caused by persons not telling the truth.

The Witness—I noticed that the prisoner's abuse of counsel was confined at the opening of the trial to one of the government counsel and that it was afterward extended

to the other two.

"That was because Corkhill demoralized the whole set," interposed the prisoner; "evil communications corrupt good manners. So you had better get rid of Corkhill."

The Witness—In a general way I would say that the conduct of the prisoner in court was not such as my observation of insane persons would lead me to expect as the conduct of an insane person.

"Now tell us about Abraham," said the prisoner. "Do not forget that. Then your talk will have some pertinency

to the issue. The rest of it is all rubbish."

The first hypothetical question prepared on the part of the prosecution was then put to the witness, and was, under objection by Mr. Scoville, modified by omitting the contradiction in regard to the prisoner lifting an axe against his sister. The answer was, "I consider the person indicated in that statement sane."

Here the court took a recess for thirty minutes.

The afternoon session was opened by the prisoner. These experts, he said, are doing a great deal of parrot talk. Dr. Macdonald deviated somewhat, and I think it important to say that I did not tell him I had examined the law on this matter, as he testified to.

Dr. Macdonald resumed the stand and the second hypothetical question of the prosecution was propounded to

him.

The prisoner kept up a running comment upon the question as it was read by the District Attorney. "That's false," "False again," "You don't know whether I paid my debts or not," "That is Shaw's lie," "I never said so," "The doctors murdered the President," "Absolutely false,"—such were some of the expressions used by the prisoner.

The witness expressed his opinion that the man was sane

on the 2d of July.

Being cross-examined by Mr. Reed witness stated that he had for nine months in 1867 been clerical assistant at the Bloomingdale Asylum; after that he took charge of an insane person for a year, and afterward became actuary at the Brooklyn Institute; for thirteen months he was resident physician of the Epileptic and Paralytic Hospital at Ward's Island; he then went to Charity Hospital, on Blackwell's Island, until the 1st of August, 1874, when he was appointed to his present position; insane persons in some cases deliberated and planned their acts and provided for their escape afterward; the fact that a man, previously harmless, should without provocation raise an axe against his sister would be no evidence of sanity or insanity.

Q. Suppose, at the same time, the man manifested symp-

toms of insanity, would that be any evidence?

A. If a person manifested symptoms of insanity he must necessarily be insane. (Laughter.) It was very much easier to detect insanity in a person previously sane than to detect sanity in a person previously insane; it was not easy to simulate insanity; experts who had ample opportunity for observation would not be likely to be mistaken; in many cases incipient insanity was manifested in strange words and actions, while the bodily health was apparently unchanged; worry and trouble might indirectly produce insanity.

The cross-examination became rather tedious at this point, and the prisoner, with an air of disgust and declaring all this thing to be "stale," demanded of the witness what his opinion was about Abraham. His interruption was not noticed, however, and the examination was pro-

ceeded with.

Witness stated that bodily diseases did not pass from father to son: consumption did not pass by inheritance; it was true of all diseases that a predisposition might be transmitted, but never the disease itself.

Pending the cross-examination the Court, at three o'clock, adjourned, the prisoner giving the witness the parting ad-

monition not to forget Abraham.

The cross-examination of Dr. Macdonald was continued

on Wednesday the 28th day of December.

Those who crowded the court room were well repaid for their trouble and vexation in getting there. The prisoner resumed his insufferable insolence during the day. This culminated, after the recess, in landing him in the prisoner's dock, to the intense satisfaction of the general public. The performance throughout was of a highly sensational character. To properly understand this manœuvre and explain the apparent apathy of Judge Cox, it may be stated that up to Christmas, when the prosecution asked for Guiteau's removal to the dock, his presence with his counsel was permitted by an understanding with Colonel Corkhill.

The latter, and not Judge Cox, was responsible for the freedom allowed to the assassin. This liberty had for its purpose the very end so plainly accomplished—that of permitting the prisoner full scope for his own betrayal. The District Attorney could have had him removed to the dock at any time, but he agreed with Judge Cox that the prisoner himself would probably furnish better evidence of his own sanity than the experts could do. The only task was to keep him within the manageable line. Having illustrated the prisoner's sanity out of his own actions, the prosecution demanded that he be placed where he belonged, and he will henceforth be treated the same as other murderers. On that Wednesday he was removed to the prisoner's dock.

The change conveys little idea to the public compared with what it brought the prisoner. The dock was a limited space against the rail, some distance to the side and rear of counsel and immediately contiguous to the crowd. In fact, it was in the midst of the immense crowd which daily assembles to witness the great trial. The terror of the assassin at the idea of being placed there showed itself in his white face and trembling limbs. He whined piteously while a pathway was being opened through the throng. Men and women rose to their feet to look upon the abject coward. He paused only to call down curses upon Corkhill, and then shambled along between the officers, protesting he was not afraid. Yet all the time he sat in his new place the cold sweat stood out in beads upon his forehead, and he shivered at every sound. The audience enjoved his situation amazingly.

Mr. Scoville conducted the cross-examination of Dr. -

Macdonald.

Q. You said yesterday, "In my judgment the man has been playing a part all the time in court." Do you meen feigning insanity? A. I believe that he has been feigning what he believes to be insanity—not insanity, really. [Applause.]

Q. Your opinion is that he has been attempting, to the

extent of his ability, to appear insane? A. Yes, sir.

Q. He has not been acting a natural part? A. That is my opinion.

The Prisoner—Give us something about Abraham and

you can go.

The next witness was Dr. Randolph Barksdell, superintendent of the Central Lunatic Asylum, of Virginia. He said he had made insanity a special study since 1873. By insanity he understood a disease of the brain, characterized by perversion of the intellectual faculties. He visited the jail and made careful examination of the prisoner. He had also observed him in court since the 21st of November. From his observation and examination his opinion was that the prisoner was sane. To the question whether the prisoner was acting out his natural character in court or was feigning, the witness replied that he was feigning. He thought so from the marked contrast between the prisoner's behavior in court and his behavior in jail. In court the prisoner sees every salient point in the evidence, and becomes excited, while at other times he is quiet and natural and behaves like any other man. To the first and second hypothetical questions the witness replied that, in his opinion, the prisoner was sane on the 2d of July last.

The next witness was Dr. John H. Callendar, of Nashville, Tennessee. He has made insanity the subject of special study twelve years. He is and has been for that time superintendent of the Tennessee Hospital for the Insane. He made a personal examination of the prisoner in jail and gave a narrative of what he observed. He examined his head and face; found the head somewhat symmetrical, but the lack of symmetry was not more than is frequently found in sane people. Witness gave his definition of insanity as a mental disturbance resulting from bodily disease. Insanity was a disease of the brain, the physical disase of the physical organ, and not simply a disease of the mind. The disease of insanity was not transmissible. A susceptibility to that disease was transmitted from parent to offspring. From his observation in court and in jail it

was his opinion that the prisoner was sane.

The District Attorney then propounded the first hypothetical question of the prosecution, which the prisoner declared to be two-thirds false, and the witness gave it as his opinion that the prisoner was sane on the 2d of July. He gave the same answer to the second hypothetical question, which the prisoner designated as "rubbish."

The cross-examination was then taken up by Mr. Scoville, who asked: Suppose the person described in the prosecution's hypothetical question believed that he was in partnership with Jesus Christ & Co. in the establishment of the Theocrat; that Jesus Christ was with him as a co-partner in the business, and that it would be made a success through that means and that he was inspired to start the paper by a direct command from the Almighty—would that make any difference in your answer?

Mr. Porter (solemnly)-I object to that question as irrev-

erent and blasphemous.

Mr. Scoville—I don't understand that the objection is under rules of law, but is brought in under the province of divinity. The only objection that Mr. Porter makes is that the question is irreverent and blasphemous. If the prisoner's belief that he was inspired is irreverent and blasphemous and the Court rejects it on that ground there is an end of this case, because we are not allowed any defence.

Mr. Porter—It is a question which purports to be justified by the proof in this case and which Your Honor is

asked to countenance in the presence of this jury.

The question was repeated for the benefit of the Judge.

Mr. Porter—There is no evidence, even by the oath of
the criminal—

The Prisoner (interrupting insolently)—How do you

know, you great, big mouth, you?

Mr. Porter (continuing)—That he believed the Redeemer of mankind to be his partner in business, and when the learned counsel for the prisoner puts such a question in a Christian court and a Federal tribunal I hold (whatever Your Honor may hold) that it is time to rebuke both him and his client. It is hypothesis that no man who believed

that God was our Creator should be permitted for one moment to present in a court of justice and before this audience. If it had been presented to Your Honor in your private chamber you would do, in regard to the counsel, what you have not done in regard to the prisoner. The time has come when, in behalf of the American Government, I protest against these blasphemous utterances. The counsel can predicate his question on facts which have been proved, but not on those which assume that we make no difference between the Redeemer of mankind and ourselves. (Applause.)

The Prisoner—How about Christ and Paul? Paul was in partnership with the Saviour. Haven't I just as much

right as Paul?

Mr. Porter—I must insist, Your Honor, in behalf of the Government and to vindicate it, that this criminal shall be remanded to the dock.

The Prisoner-You had better mind your own business,

Porter.

Mr. Porter—That is my business to-day. My motion is in abeyance, and on the question of blasphemy, when this court has been filled with it from the first day until now—

The Prisoner—No blasphemy; it is the truth.

Mr. Porter (continuing)—It should be heard coming from the counsel table, there is not that man at the American bar who would not have been disgraced and silenced by coercion if he had uttered what this man, under the false pretence of being counsel in the case, has uttered from time to time to Your Honor. I should say here that it was only the interruption of the prisoner which induced us to disturb the order in which Mr. Davidge desired to present this question, but on a question which touches the hearts and consciences of the people of this nation I now invoke Your Honor's action, not only in regard to the decision of this question, but in reference to the disposition to be made of this prisoner.

The Prisoner (excitedly)—The American people are with me more and more and that is the reason you are mad about it. I appear as my own counsel and His Honor has no dis-

cretion in this matter.

Mr. Scoville (to Mr. Porter)—This case is not on trial before the American people.

Mr. Porter—Then why do you and your client, with

your advice, address them?

Mr. Reed—That is not true, Mr. Porter, and you know it is not true.

Mr. Porter—I only answer that it is true.

The Court called the counsel to order and asked whether it was desired that the proceedings should be suspended for action on Mr. Porter's motion.

The Prisoner—It is not worth Your Honor's notice. That is the answer to this kind of talk from Porter.

The District Attorney—We are ready to enter on this

question, Your Honor.

Mr. Davidge then rose and said he would briefly present the views of the prosecution. Yesterday, he said, was the commencement of the seventh week of this trial—the trial of the prisoner for the assassination of the ruler of fifty millions of people. From the inception of the trial to the present time (with the exception of yesterday) not a single day has passed without being characterized by aspersions on the part of the prisoner in contempt of the majesty of the law, in contempt of the authority of this Court, and imposing obstacles to the administration of justice.

The Prisoner—That is false.

Mr. Davidge went on to say that no one could question the fact that Guiteau is sane in respect at least to his conduct. I think that Your Honor cannot deny that a man who, as he says, is here as his own counsel is at least to be treated as sane as to decency in conduct and behavior.

The Prisoner (excitedly)—I am decent. It is your side

that is not decent.

Mr. Davidge (continuing)—Now I want to call Your Honor's attention to the motion made by Mr. Porter on Saturday. That motion was to remand this prisoner to the dock, where he belongs.

The Prisoner (violently)—I am here as my own counsel,

and the Court has no discretion.

Mr. Davidge argued that the time had come to act and asked that the Court decide the motion.

The Prisoner—I am quiet when I am treated decently, not otherwise. It is all caused by the mean, dirty way in which the prosecution have conducted themselves. If they had conducted themselves as high-toned lawyers there would have been no trouble. It has been all caused by Corkhill and Porter.

Mr. Davidge—His outrageous, scandalous insults to my senior (alluding to Mr. Porter) furnish the necessity for calling for judicial decision on this motion.

Mr. Reed then proceeded to argue that under modern practice everywhere the prisoner was allowed to sit behind his counsel, and instanced that such was the case in New

York, where Mr. Porter practised.

Mr. Porter misunderstood the remark and exclaimed: "I am no criminal." "Neither am I," retorted the prisoner. Mr. Reed then repeated the remark, whereupon Mr. Porter apologized for his interruption, stating that it occurred through defective hearing. "Through stupidity,"

broke in the prisoner, contemptuously.

Mr. Reed—In the United States Court at Chicago I have never seen such a practice resorted to. I have never seen it in the State courts in Illinois nor in New York State. Mr. Scoville and myself would be very glad if some means could be provided by which the accused could be kept quiet. It disconcerts us. I have endeavored to persuade him that he was doing himself an injury. I have been unable to accomplish the desired purpose. I would suggest that an admonition from Your Honor would be sufficient to accomplish the purpose. What Mr. Davidge says—that it is established to everybody that the man is sane so far as respects his conduct in the court room—I deny. That, I do not believe, is satisfactorily proved to everybody.

Mr. Scoville thought this was not a motion that called for any display of feeling or for sensational speeches from the prosecution. He desired that the prisoner should be controlled and made to sit still, and he hoped the Court would adopt some means (treating the man as sane or insane) compelling him to do so. Nobody was more annoyed at these interruptions than himself.

The Prisoner (excitedly)—That is because you are a jackass in this case two-thirds of the time. If I had a first-

class lawyer I would let him alone.

Mr. Scoville stated further that the defense was at a serious disadvantage on account of these interruptions—interruptions which he would have never submitted to except

for his belief in the man's insanity.

The Prisoner—I never intended that you should have anything to do with this case. If I had a first-class lawyer I would have kept quiet; but I could not have my case compromised by you. You are doing first-rate on your theory; but your theory is too small. Your brain is too limited.

Mr. Corkhill argued that Guiteau should have no more rights than the humblest citizen. He has around him policemen who do not belong to the official body of this court. The President has appointed a Marshal, and the law imposes on him the safety and care of the prisoner. I want the Marshal to take him and sit him in the dock and take care of him. I want no more special guards. I want him to stand here on trial as any other man would stand.

The Prisoner (violently)—You cannot convict me and you want to shoot me. That is a confession of weakness. You want me to be shot, but I don't believe the Lord will

allow it.

The District Attorney—Hereafter the responsibility of his conduct must be with him and him alone. We are not responsible for what may occur or happen to him. He shall be tried hereafter as any other criminal, but, not with our concurrence, with any other treatment. I want the Marshal to take the man to the dock. He is responsible if he escapes. Let the other officers who are responsible for the protection of private citizens return to their beats. I am tired of this. The time has come when we must have action. We want no admonition to keep him quiet. Your

Honor may not keep him quiet; but he can, under the order of Your Honor, march to that dock and sit where criminals belong, and sit there until a jury of his countrymen declare him guilty or not.

The Prisoner (violently)—The American people will have something to say if you put me in that dock and I get shot, and God Almighty will curse you, Corkhill, you wretch, and any other man who attempts to do me

violence.

Mr. Seoville rose and in an indignant and excited tone said: I made no objection to the motion, but when I hear the prosecuting attorney stand up and give notice beforehand that the prisoner is to be placed, by authority, in a place where he can be shot, and virtually invites assassins to step into this court room and shoot him, I disdain further concurrence in the motion. I supposed that if the prisoner were to be placed in the dock he would be protected by the officers of the law. There is not one man or woman within hearing of Mr. Corkhill's voice but understood it to be an invitation for an assassin to step up and shoot that man when put in the dock.

Mr. Porter (laying his hand dramatically on Mr. Corkhill's shoulder and speaking slowly)—That imputation against this gentleman, just as vile as the obscene charges of the prisoner, calls for a vindication. From the beginning of this trial the District Attorney has observed a spirit of fairness, of honor, of elemency, of forbearance, toward the prisoner unexampled in any State trial reported in Christian history. He has shown a fidelity to his public duties the fruits of which will come when Your Honor shall deliver your charge and the American people as represented by that

jury shall have an opportunity to render a verdict.

The Prisoner-You and the American people don't agree

on that, Porter.

Mr. Porter—The prisoner, with an audacity and effrontery which spares neither man nor God, has chosen to put himself in the position of controlling his own trial, defying the authority to which he will soon learn to submit. In regard to the position taken by Mr. Corkhill, I entirely concur with him, whatever the consequences to the prisoner. If he had in his hand that bull-dog pistol, from which he sent the bullet which assassinated the President, when Your Honor pronounces your decision his practice at the river would enable him to aim at your heart and you would be in the agonies of death. Once, publicly, when one of us was bowed down by an affliction such as comes to us rarely in life, the other members of the jury were menaced by this man. One of these jurors was threatened with a new inspiration by which he should die before this trial comes to an end.

The Prisoner—You don't know but the Lord will do it. It may be in the province of God, returned Mr. Porter, solemnly, but not in the province of Guiteau. The assassin of the President will assassinate no more forever, and the voice which is not silenced now will be as dumb as that of his victim when the end of the law is reached. (Applause.)

The Prisoner—A very nice speech, but not a word of

truth in it.

The Court then rendered his decision. The prisoner had a right to hear the testimony of witnesses. He could not be gagged or sent out of court. The proper place for a prisoner on trial for felony was the dock. He could only come within the bar to be arraigned and to receive sentence. If the Court granted him the privilege of sitting beside his counsel, it was a privilege which could be withdrawn summarily. While the prisoner had the undoubted right to act as his own counsel or to appear by counsel, he could not exercise both rights simultaneously. Having accepted counsel, the prisoner had waived his right to appear as such in person. On the consideration of all the circumstances the Court thought that the motion would have to be granted and that the prisoner should be placed in the dock, but he did not mean that the prisoner should be exposed to any danger. He should have the fullest protection.

The Prisoner—"I move that the court room be cleared; if I am going into the dock I want the court room cleared."

The prisoner having been placed in the dock and quiet having been restored, Mr. Porter said: "It is to be borne in mind that the chimera which seems to haunt the prisoner has no foundation. He is in no danger, except from the hangman's rope, and so long as an officer of the law stands beside him no man will imperil that officer in the discharge of his public duty by firing a shot at the prisoner." (Applause.)

The Court directed the Marshal to place the prisoner

where he could have a full view of the witness.

The Prisoner (from the dock)—"I am doing very well here, if Your Honor please. It is only a confession of the prosecution's weakness. I would not be afraid to go all over Washington alone or in New York or Boston. Thunder that broadcast. God Almighty will curse the prosecution. Take time on this, Corkhill. You are having your way for a few minutes, but God grinds slow but sure. You have got no case and you know it."

The cross-examination was then resumed and Mr. Porter's objection to Mr. Scoville's question, on the ground of its being irreverent and blasphemous, was overruled by the Court. Mr. Porter (solemnly), "As this case will be historical, as our exceptions are utterly unavailing, as we can in no case under the law appeal, in behalf of the American Government and those they represent, I protest against this desiries pressing into a president."

decision passing into a precedent."

The Prisoner—"Set down, Porter, and rest for the

afternoon."

The witness then replied that he should not consider it an insane delusion for a man to profess himself as "a member of the firm of Jesus Christ & Co.," unless there were other evidence of disease.

The plaster east of the prisoner's head was then handed to the witness, and he was asked whether there was any marked peculiarity in the head. The Prisoner—It looks like Humpty Dumpty.

The witness replied that the cast presented a more shapely and symmetrical head than he had expected it would, but placed no importance on the shape of the head

as indicating sanity or insanity.

On redirect examination the witness stated that he did not think the prisoner had been feigning insanity in the court room. He had merely been exaggerating his characteristics of self-conceit, impudence, audacity and insolence.

The Prisoner—In other words, when I am assaulted I talk back. Porter expects to get \$5,000 for hanging me. He sees his money slipping away, because the American people don't want me hanged, and he is mad at me.

The Court then, at 3 o'clock, adjourned, the prisoner, as he was passing his counsel, expressing his contentment with his position in the dock as affording him more pure air.

The New York Herald comments on the removal of the

assassin Guiteau to the prisoners' dock as follows:

"Judge Cox took a step yesterday which will meet with universal commendation. The prisoner was so brutal and persistent in his violations of decorum that the Court directed his removal from his accustomed seat among his friends to the prisoners' dock. In making this order Judge Cox gave a temperate and thoughtful decision. He pointed out that the only methods which could suppress Guiteau's disorderly conduct 'were such as must infringe the constitutional rights of the prisoner.' The Judge undoubtedly felt that police discipline would be feeble in the case of a man in hazard of his life and most probably to be hanged. His Honor alluded to the impression shared by the Court and counsel that the prisoner's 'conduct and language would afford the best indication of his mental and moral character and contribute much to the enlightenment of Court and jury on the question of his responsibility.' Judge Cox gave the interesting information that it was 'at the express desire of the District Attorney that the latitude shown to Guiteau during the trial had been permitted, in

order to furnish the experts an opportunity of diagnosing the prisoner's case.' It is clear from the testimony of the experts that their evidence, which has proved so damaging to the prisoner's defence, was largely 'founded on the exhibitions which had taken place on the trial.' This circumstance alone the Judge believed would justify the course of the District Attorney and of the Court. Now, however, when the object, so far as to give opportunities for the judgment of the experts, had been accomplished, there was no further reason for undue leniency. The Court would, therefore, impose becoming restraints to secure an orderly trial. Judge Cox referred to the prisoner's undoubted right to hear the evidence, and the impropriety of gagging or of sending him out of court. His Honor, therefore, directed the prisoner to be conveyed to the dock, which was the proper place for one on trial for felony and who was only entitled to come within the bar to be arraigned and receive sentence. The privilege of sitting beside his counsel could be withdrawn at any time from an unruly prisoner. As to the right of the prisoner to appear as his own counsel there was no question, but he could not conduct his own case and at the same time have counsel to represent him. In ordering Guiteau to the dock the Judge added that it was not intended that the prisoner should be exposed to any danger. He would receive the fullest protection. Guiteau showed characteristic cowardice when this order was made, fearing that his exposure in the dock would invite bodily harm. To this the leading counsel for the prosecution fittingly answered that the prisoner was 'in no danger except from the hangman's rope.'

"In considering all the aspects of this curious and painful proceeding we must remember that the crime was extraordinary, the prisoner is an extraordinary person, and the proceedings are necessarily affected by his character. Whatever improprieties there have been in the court room are due solely to his wilful disregard of decency in language and demeanor. Whatever criticisms are made at home or abroad on those improprieties, when filtered down to their

substance, amount merely to censure of the Judge for suffering him to take such license. But we have seen nowhere, in any journal, foreign or domestic, the suggestion of a method by which he can be restrained that is not worse than his own conduct, or that would not imperil the validity of a verdict against 'him. It is a doubtful question whether he could lawfully be tried in his absence, for the Constitution of the United States gives the accused 'in all criminal prosecutions' the right 'to be confronted with the witnesses against him.' British subjects have no such safeguard of their liberties, and surely the American people would not surrender it to obviate any inconvenience it involves in this extraordinary instance. Nor would the American people approve of gagging him and putting him into a strait-jacket. Given the choice between such a spectacle as that and the spectacle of license which is now repeated daily in the court room, we have no hesitation in preferring the latter. Apparently our British censors would unhesitatingly prefer the former, and perhaps it is natural for them to do so.

"It is not so very long a while since Sir Samuel Remilly declared that 'a savage spirit,' combined with 'a stupid dread of innovation,' was an almost insurmountable obstacle to ameliorating the barbarities of criminal law in England; and as for Scotland and Ireland, there needs only the mention of Braxfield and Norbury to revive the memory of brutalities whose now recognized atrocity should estop every British journal in this more humane generation from recommending a repetition of them. 'Let them bring me prisoners and I'll find them law,' was the declaration of the former in Scotch political trials. Nor, descending into our own day, do we believe that it is appropriate for any Englishman who knows and applauds the behavior of the late Lord Chief Justice Cockburn on the bench to reproach Mr. Justice Cox or any other American judge for any deviation whatsoever from propriety in the conduct of a trial.

"We believe that the American public, and we hope that the British public, are beginning to perceive that what in one aspect is unseemly in the Guiteau trial has in another aspect been the most effectual way of testing the prisoner's plea of insanity to the satisfaction not only of the medical experts who are careful watchers of it, but of all mankind. So regarded, the best interests of justice have been served by permitting the prisoner to display his hideous character freely to the jury and the world."

CHAPTER XVIII.

Guiteau in the Dock.—More Damaging Testimony.—The Assassin Writes to Hon. Don Cameron Requesting him to send him Five Hundred Dollars.—Dr. Walter Kempster, of Winnebago, on the Stand.—About the Shape of Heads.—Guiteau's Definition of Legal Insanity.—"My Impression is that he, the Prisoner, is Feigning Insanity. I Believe him to be Sane."

In spite of the rainy weather the attendance at the Guiteau trial was even larger on the 29th day of December than on the previous day. Guiteau's entrance produced the usual commotion. The prisoner was in charge of a deputy marshal, who conducted him to the dock. Upon taking his seat Guiteau at once complained of the danger to which he was exposed by the withdrawal of his vain guard. His manner was vehement and for a while his interruptions of more than usual frequency. Judge Porter had been in the room but a few minutes when Mr. Scoville's sharp retort to the District Attorney gave him an opportunity to point his finger at the defendant's counsel as he indulged in a few caustic remarks. Guiteau was now quiet, being interested in a newspaper.

As soon as the prisoner was unmanacled he made his morning speech: "Coming up in the van this morning I noticed that the usual policemen were withdrawn. I want to say emphatically that if I was turned out to-morrow I could take care of myself, but as long as I am in custody of the Court the Court must take care of me. The greatest danger of being shot is in coming from the van to the court house. I want Your Honor to order that I have the usual number of policemen coming up in the van. The cranks are not all dead yet, though they have been dying recently. I got

(636)

fifty letters yesterday, most of them sympathetic, asking for my autograph. There were only two or three cranks in the whole lot. But one crank could do the business if he had the nerve. I am most unprotected coming from the van to the court house. If you turn me out loose I will take care of myself, but so long as I am in custody of this Court the Court must take care of me. Some of these experts testified that in jail I am very quiet. So I am. I have the reputation there of being a perfect gentleman. They think I am a great man and a good fellow. But when I come into court I am abused and villified. Human nature can't stand it, and I won't stand it. When I am attacked I defend myself. If people treat me well I treat them well."

Judge Cox—In reference to the question of guards for the prisoner it was remarked yesterday that the Court had surrounded the prisoner with unusual guards. That statement was made from a misapprehension of the facts. The Court had nothing in the world to do with it. The prisoner is in charge of the Marshal, and all the guards are under-the direction of the Marshal and of his assistants, not of the Court.

The District Attorney—I noticed that report myself this morning. It was an inadvertence as to what I said. I said that the prisoner was in charge of the Marshal and that it was the Marshal's duty to protect him.

The Prisoner—But suppose the Marshal does not do his duty, the first thing that we know some crank will be shooting at me. He will not hit me, but is liable to shoot at me and to hit somebody else if the Marshal does not do his duty.

Mr. Scoville—What I complain about in the matter is that the District Attorney yesterday travelled out of his province to suggest that no special guards should be thrown around the prisoner. I think that that suggestion was improper.

Mr. Davidge—There is no doubt that the Marshal will

do his duty.

The Prisoner—I do not care a snap about this matter, but I do not want my private correspondence to be intercepted by this man Scoville. That is the way he has been doing for the last three or four months. It has been only within the last few days that I have been allowed to see my letters. That fellow there (meaning Mr. Scoville) has intercepted my letters. He came here to squat upon me and upon my case. I will not have it any longer. I publish to the American people that I have no confidence in his ability or integrity.

Mr. Scoville at last got a chance to read the letter to

Senator Cameron, which was as follows:-

"DEAR SIR—I am on trial for my life and I need money. I am a stalwart of the stalwarts, and so are you. You think a great deal of General Arthur, and so do I. My inspiration made him President, and I am going to ask you to let me have \$500. If I get out of this I will return it. If not, charge it to the stalwarts. Yours for our cause and very cordially,

CHARLES GUITEAU.

"In Court, Washington, D. C., Dec. 19th, 1881."

The Prisoner—That is a good letter, sir.

"P. S.—Please give your check to my brother, John W. Guiteau, of Boston, and make it payable to my order."

The Prisoner—If my brother had presented the letter he would probably have got the money. But as he would not be decent, but preferred to act in a mean, dirty way, he did

not get the money.

Mr. Scoville (continuing his question)—Suppose a man acting in this manner, writing that letter in all good faith and sincerity, believing that the presentation of it to Mr. Cameron would bring him a check of \$500—("Senator" Cameron, sir, not "Mr." Cameron, the prisoner exclaimed)—in your opinion, might that indicate in any degree unsoundness of mind?

"Did you never ask anybody for money, Scoville?" the

prisoner interposed.

The Witness—The writing of that letter is entirely consistent with a great deal of the acts of the prisoner in his previous life which I have heard here; he has been importunate for money from sources from which he had no reason to expect it; I should not, therefore, take that letter as an indication of his unsoundness of mind.

Mr. Scoville—I wish you to lay out of the question your own impression and ideas of the man from anything else. I am calling your attention to this single letter, and I want to know from that letter alone, and taking the man as he is placed here under trial for his life, whether the writing of that letter to Senator Cameron, the language used in it, the expectation based on it—

The Prisoner (interrupting)—Now, what do you know, Scoville, about my relations with Senator Cameron or any

other public man?

Mr. Scoville (continuing)-The conviction on his part

that the letter would bring the money-

The Prisoner—Yes; and if my brother had presented the note he would probably have got the money. It only shows what a consummate ass you are.

Mr. Scoville (finishing the question)—Whether all these circumstances might be considered as an indication of un-

soundness of mind?

The Witness—I apprehend your question, but I cannot alter my answer. I do not think that that letter is an indication of unsoundness of mind.

The Prisoner—I do not, either.

The Witness—It, is absurd and preposterous under the circumstances, but it does not change my impression of the prisoner's character; that specific act was in keeping and consistent with his character and with the history of his life as detailed here.

Mr. Scoville—Did you ever hear of such a thing in common parlance as "a crack-brained person?"

The Witness-That expression is used.

Mr. Scoville-What does it mean? Does it mean "in-

sane" ordinarily?

The Witness—Not in the sense intended by the persons who use it, I think; "crack-brained" and "crank" are, I suppose, about synonymous terms; they mean a person who is singular and pecunar.

Mr. Scoville-You do not understand them to mean the

same thing as "insane?"

The Witness-I do not.

Mr. Scoville-You do not understand them as indicating any phase of insanity?

The Witness-I do not.

Mr. Scoville—Do you understand them to be synonymous with soundness of mind and common sense?

The Witness-Not common sense. The writing of that

letter was a very foolish idea.

The Prisoner—If you had sent that letter, Scoville, to Senator Cameron, you would have furnished evidence that you were a crank. But you have got no standing with such men as Cameron; you do not know how to treat such men.

The Witness—Such a letter is not compatible with common sense.

Mr. Scoville—Is it compatible with common reason?
The Witness (with some hesitation)—Well, I should say

not.

The Prisoner—I was in friendly relations with Senator Cameron, and there was nothing strange in my writing that letter. Anybody but a "numskull" like Scoville could see it. I claim to be on perfectly friendly relations with Senator Cameron. I have met him and know him, and he knows me. There is nothing inconsistent in my writing to him for money. If my brother had delivered the letter like a decent man I would have probably got the money. You had better get off the case, Scoville, and go back to Chicago. You have been long enough a puisance here. My brother, too, had better go back to Boston and try to get some money to pay his debts. I never intended

that Scoville or my brother should come here. I do not know anything about them, and do not care anything about them. We had not been on speaking terms for years.

The District Attorney—If these interruptions keep on, I shall ask that the dock be placed in another part of the

house.

Mr. Scoville—Place it in the cellar, if you like. Place it in the basement. We are perfectly content. We will not except to it.

The District Attorney—You can't.

Mr. Scoville—We don't want to. All I insist upon is that the gentleman should make his motion in plain words and not make it an occasion for eloquence and for haranguing the jury. We will not oppose the motion.

Mr. Porter-I infer that the counsel will not oppose the

motion to quiet his client in maligning him.

Mr. Scoville then propounded to the witness the hypothetical question which assumes as true all the evidence given for the defence, including the prisoner's own statement.

The witness replied that under the hypothesis the pri-

soner's insanity was a self-evident proposition.

Dr. Walter Kempster, of Winnebago, Wis., was the next witness. He testified that he is the superintendent of the Northern Hospital for the insane, and has been for nine years; for five years he had been associate editor of the American Journal of Insanity; he was satisfied that there is no special form or shape of the heads of the insane; he had examined the head of the prisoner, and had thought that the deviations in it were more marked than was shown by the plaster cast; there was a slight deviation in the head of the prisoner from a symmetrical head; there were very few perfect heads; he did not suppose there were three people in the court room who had perfectly symmetrical heads; the plaster cast represented a very well-shaped head—a head that compared favorably with the majority of heads, both as to shape and size, and though a little flatter on one side than on the other, with a little prominence at one point, it showed no such want of symmetry as to indicate lack of development in the brain. The witness then showed to the jury diagrams of the shapes of the heads of various gentlemen whom he stated were all gentlemen of prominence. Among them were produced the contour of the heads of Judge Carter, Chief-Justice of the Supreme Court of the District of Columbia; Judge Wylie, Treasurer Gilfillan, Governor Claflin, Robert G. Ingersoll and District Attorney Corkhill. In pointing out the deviations in the various heads, the prisoner stated that that of Ingersoll bulged out very much on one side.

Mr. Davidge—It bulges out on the wrong side, doesn't

it? (Laughter.)

The Prisoner—It shows that Ingersoll and I are badly

cracked.

The diagram of Mr. Corkhill's head was thus greeted by the prisoner: "That is a crank. You can put your foot in the side of his head."

Mr. Davidge jokingly referred to Mr. Corkhill's head as "Napoleonic," while the witness pointed out some slight resemblance between it and the head of the prisoner.

The Prisoner—That shows that you are as bad as I am,

Corkhill.

The witness stated that not a single one of these heads was symmetrical; the shape of the head indicated nothing as to sanity or insanity, unless the form of the head deviated grossly from what was called a typical head; in such a head as the cast represented, there was nothing to indicate in any degree mental unsoundness or insanity.

Being questioned as to the proportion of insane persons

in the world, he stated it to be about one in 550.

Q. What do you understand by "insane delusions?"

The Prisoner—It means divine pressure.

The witness replied that it was an extravagant idea of a person, the violence of which he was unable to reason himself out of.

The Prisoner—You are talking about cranks. Tell us something about Abraham, and then there will be some

sense in this talk.

Q. Did you ever find an insane man who said that he had a command from God to do a certain act, but that the details of the act were left to him? A. No; that would be utterly preposterous; the details of the killing are matters of no consequence to him; he seizes the first object he can put his hands on to do the act; no one can realize the intensity, vigor and zeal which insane men put into their acts; it is proverbial among those having charge of the insane that the stroke of a madman is like a stroke of lightning—it cannot be avoided.

The witness went on to state that a person acting under

divine inspiration would perform the act instantly.

The Prisoner-You and Abraham don't agree. He took plenty of time to do his work. His was very deliberative in his work.

Q. Have you ever met an insane man who paraded in public his insanity as an apology for the commission of the crime? A. No, sir, I have not; I have had under my care quite a number of persons who had committed murder; as a rule they are not apt to talk about it, but when spoken to they would talk of it in a bold, fearless way.

Q. Suppose you should hear a man state that there was no question of right or wrong in his act, but the only question was whether the Deity fired the shot or not, would you consider him as laboring under an insane delusion? A. I should not; it would lead me to the conclusion that

nothing of the kind existed in his mind.

The witness did not believe in "moral insanity." It was a term applied to a person who had committed an outrageous act of some kind, and for whose behavior there was

no other excuse.

Q. Suppose that a man claiming to be inspired should say that the inspiration was suggested by the political situation, would you consider that man inspired? A. I should think he was not anything of the kind; it would be an evidence to me that he was under no inspiration; inspiration does not come from within; it comes from without: the person hears the voice of God or sees His face or hand; never in my experience does the inspiration arise within the individual, and never does it come from a suggestion such as you have indicated; it always comes direct from God.

The District Attorney then inquired (referring to Luther W. Guiteau) whether it was any evidence of insanity in a man that he believed that the sick could be cured by means

of prayer

The witness replied that it was not. The people throughout Christendom had offered prayer that the President of the United States might be saved from the consequences of his wound, and it would be hardly fair to assume that the American people were insane, and that that was an evidence of insanity on their part.

The Prisoner—The Lord and the people did not agree

on that.

In answer to the hypothetical questions of the prosecution the witness gave it as his opinion that the prisoner was sane on the 2d of July.

The Court at this point took a recess of half an hour.

The afternoon session was opened by the prisoner with a request to be furnished with a pen and ink. He had a number of letters he would like to answer, and if he had pen and ink he could put in considerable time. The request was acceded to and the prisoner for a time devoted himself to writing.

The examination of Dr. Kempster was then resumed.

The witness stated that he had examined the prisoner at the jail on the 27th of November; he asked the prisoner whether the inspiration to remove the President was the same sort of an inspiration which prompted him to go to the Oneida Community, the preparation of his book, and the establishment of the *Theocrat*; he told witness that it was substantially the same; he also said that it was similar to the inspiration of the apostles; he stated that the inspiration did not have possession of his mind all the time, but that when he read the newspapers it would come back as forcibly as ever.

The Prisoner—I never said so. The inspiration was on me for thirty days and thirty nights. It never left me when I was awake.

I asked him, continued the witness, if he considered himself insane when he shot the President; he used these words, "I was legally insane;" I asked him what he meant by "legally insane;" he said that if he could get the jury to believe that he was acting under an inspiration from the Lord when he shot the President that was all that was necessary to constitute legal insanity and relieve him from the consequences of his act; I asked him whether legal insanity was like medical insanity; he said, "No, it is not what you doctors would call medical insanity, but it is legal insanity."

The Prisoner—In other words, if the jury believe that the Divine pressure was so enormous that I could not resist

it, that I had no free agency, they would let me go.

I asked him whether he considered the apostles insane; he evidently discovered the dilemma he was in—

Mr. Scoville—I ask to have that stricken out.

The Court—The conclusions of the witness are not evidence, except as to his insanity.

Mr. Reed—The witness said that the prisoner evidently

saw the dilemma he was in.

The Prisoner—That is not true.

Mr. Porter (solemnly)—I object to the erasure of one word that this witness has uttered on oath, no matter whether contradicted or censured by prisoner, or counsel, who seem to be acting in perfect accord.

Mr. Reed (imitating the manner of Mr. Porter)—And I move that that answer of the witness be struck from the record, notwithstanding the dramatic effort of the gentleman.

Mr. Porter-I submit it without argument.

Mr. Reed—So do I.

The Prisoner—And so do I. (Laughter.)

Judge Cox—This is an opinion as to the mental operations of the prisoner. I do not know why it should be ruled out under the circumstances. I will let it stand.

The Witness (resuming his narrative)—When I asked him that question he hesitated and appeared confused; he then replied to me, "Yes, they were insane, and if they had committed an act contrary to the laws of the country in which they lived, they would have been excused by a jury of their countrymen;" I then said to him, "But St. Paul did commit acts contrary to the laws of the countries he visited, and he was very severely punished at times and was finally beheaded;" he hesitated for some considerable time ("all of which is false" the prisoner broke in) and finally said, "Well, St. Paul never killed anybody;" that is the substance of the conversation in regard to inspiration; during the conversation the prisoner was courteous, pleasant, answered promptly, and seemed to be willing to afford every opportunity to talk with reference to his life and conduct; only at one time was there the slightest difference in his manner or manifestations; he was lying down on his bunk and talking in that lying posture; when he spoke of the inspiration which had caused him to remove the President, he raised himself up on his elbow and made that peculiar motion with his hands which is familiar to those who have seen him in court here: that was the only change that I noted in his conduct.

The prisoner, who had been for some time perusing his mail, here broke out with the remark, "Some of my letters come now addressed to 'The Hon. Charles Guiteau."

The District Attorney (to the witness)—There was a

horse doctor who testified in this case-

Before he could get any further he was interrupted by a protest from Mr. Reed, and was informed by the Court that the statement was not proper, that Dr. Spitzka was not a horse doctor, but a lecturer on comparative anatomy.

The Prisoner—He is too big a horse for you, Corkhill.

Mr. Reed—To which appellation we object.

The District Attorney—Î did not use the term disgracefully.

Mr. Reed—You used it in that sense, that is manifest. The District Attorney—I only spoke of him in that way

so as to distinguish him from the professional men of the country who are capable of talking about what they profess to talk about.

Mr. Scoville—And because the gentleman is not present and cannot answer back,

The District Attorney—I said the same thing to him when he was on the stand.

Mr. Scoville—Yes, and he answered you. (Laughter.)

The District Attorney—He testified himself that that was his profession—that he was a veterinary professor. A horse doctor may be as respectable a man as anybody else. He said that he had made the examination of the man's head which you made, and that the proportion of deformity in this man's head was one to three. Did you notice that deformity?

The Witness—I did not discover in my examination any such disproportion; the disproportion was very slight.

The hour of three o'clock having arrived, Judge Cox inquired whether Counsel had reconsidered their desire to sit until midnight, and it being evident that they had, the Court adjourned.

The following is the full text of Judge Cox's decision, rendered yesterday afternoon, remanding the prisoner to the dock:

"It is hardly necessary to say that the conduct of the prisoner during the trial has been one persistent violation and defiance of order and decorum and decency from the beginning. The only measures which could have been resorted to to effectually and completely suppress this disorder were such as might have infringed his constitutional right as a prisoner on trial, and that was a conclusive argument against a resort to that. Until Saturday last no other measure had been suggested from any other quarter when the measure now proposed was suggested in the form of a motion, although it had itself occurred to me previously. On the contrary, it had heretofore been an impression shared both by Court and counsel that the prisoner's conduct and language at the bar would probably afford the best indica-

tions of his mental and moral characteristics, and contribute largely to the enlightenment of the Court and jury upon the vital question of mental responsibility. It was, therefore, in accordance with the desire expressed to me by the District Attorney that he was allowed such latitude of conduct, unrestrained except so far as necessary to conduct the proceedings at all, in order to furnish to particularly the expert witnesses who were present an opportunity to diagnose his case. It was thought that no better opportunity could be afforded than the constant study of the prisoner in the court room, and under the excitement of the trial and the various phases of this case daily, pending the long period which this trial has continued; and as it now appears the opinions of the experts have been largely formed on the exhibitions which have taken place during this trial, and if they have contributed to enable the expert witnesses to reach conclusions, it is a complete vindication of the view of the District Attorney that this was the proper course to be pursued. At this stage of the trial this object seems to me to have been accomplished. The trial is now approaching its close. Some six weeks have elapsed since the beginning of this trial. These gentlemen have had ample opportunity to make up their judgments, and are now in the course of pronouncing them before this Court and jury.

On Saturday for the first time, as I said, an application was made to me to remand the prisoner to the dock, and the course heretofore taken having been accomplished, it seems to me incumbent upon me, now that application is made, to impose such restraint upon the prisoner as the circumstances of the case shall admit and as shall conduce to the more orderly conduct of the cause, or what is left of it. I considered this motion because I doubted the expediency of it, and wished to be clear in my judgment that it did not conflict with the prisoner's constitutional right. He has a right to be confronted with the witnesses against him; he has a right to hear their testimony and to appreciate its import; he has a right to have a counsel assist him or to consult with counsel; he cannot be gagged or sent out of the

court. I had considered the application and was prepared to act upon it on Monday if it was pressed; but I entertained the hope that the mere making of the motion would have its moral effect upon the conduct of the prisoner. The proper place for a prisoner on trial for a felony is in the dock. He can only come within the bar to plead upon arraignment or to receive sentence. If the Court, for the purpose of furthering justice, grants the privilege of sitting beside his counsel within the bar, it is a privilege which confers no right in itself, but, like any other privilege, it may be withdrawn summarily, at the discretion of the Court. While a prisoner has an undoubted constitutional right to act as his own counsel or to be heard by counsel, he cannot exercise both rights simultaneously. Having asked for and had counsel assigned him, or availing himself of the assistance of counsel in any other way, he has thereby waived his constitutional right to appear as such in person. It is well settled that a party cannot waive a constitutional right expressly intended for his benefit and subsequently invoke its protection. The behavior of a party in court, whether a prisoner or counsel, is the standard by which to gauge his privilege of exercising a constitutional right. If he abuses that right he may, to some extent, forfeit his privileges, and the claim of such right has no weight in the presence of disorder created by the party himself, since the first duty of the Court is to protect its jurisdiction against intrusion and the administration of justice against any attempt to bring it into contempt. (See 6 Blatchford, 466; 8 Otto, 158.) In this court it has been almost the uniform practice within my recollection, as a matter of indulgence, to allow the prisoner to sit with his counsel at the bar. That I regard as simply a matter of indulgence and not right. Upon considering all these circumstances I think that the motion will have to be granted and that the prisoner will be placed in the dock. And I do not mean that he shall be exposed to any danger whatever. He shall have the fullest protection accorded him.

CHAPTER XIX.

The Last of the Experts, Dr. Gray, on the Stand.—The Testimony for the Prosecution all in.—Guiteau Declared Sane.—Legal, not Medical, Insanity the Ground on which he Demands Acquittal.—Mr. Scoville's Indignant Speech.—Can the Jury Separate.

On Friday, the 30th day of December, there was a perfect jam in the court room, and the audience was impatient and anxious for the proceedings to begin, as most of them had come early in the morning and had been in their seats for an hour before court opened. At least three-fourths were ladies, and when Guiteau entered, as has heretofore been the custom, nearly all arose to their feet. The bailiffs stationed in the audience vainly endeavored to make the people sit down.

As the deputy marshals were leading the prisoner to the dock he leaned over and talked in a low tone to Mr. Scoville and said:—" If you keep quiet I will laugh the case out of court to-day." He soon proceeded to attempt to put his threat into execution, exclaiming from the dock, while the Court was awaiting the arrival of the counsel for the prosecution, Some of the leading papers of America consider me the greatest fellow they have met in some time. At eight o'clock last night I received a telegram which I will read for the edification of the Court, the jury and the American people:—

"Mr. Charles Guiteau, Washington, D. C.:—
"All Boston sympathizes with you. You ought to be President.

A Host of Admirers."

[&]quot;I don't know but two men in America who want me (650)

hanged. One is Porter, because he expects to get \$5,000 for it; the other is Corkhill. Corkhill is booked to be removed anyway. He wants to get even with me because he thinks I am the man that did it."

After a pause the prisoner continued:—"I refer my nomination for the Presidency to the Republican National Convention of 1884. I will be there. I do not think that this jury is going into the hanging business in order to enable Mr. Porter to get \$5,000. The American people do not want to have me hanged. They might as well try to hang a man for killing another during the war as to hang me. My motive was patriotic, under divine pressure, to save the nation from another war. But I am going to discuss that when we get to the jury." The cross-examination was then resumed, being directed chiefly to an effort to show discrepancies between the testimony of the witness and the statements in his annual reports as superintendent of the Northern Insane Asylum. To the question whether insane persons do not frequently exercise a great power of self-control when they have an object to accomplish, he replied that they do until they reach such a state that they can no longer exercise that power, and then the disease controls them.

Dr. John P. Gray, of Utica, N. Y. (the last of the expert witnesses for the prosecution), was then called to the stand. He stated, in reply to questions by the District Attorney, that he is medical superintendent of the New York State Lunatic Asylum, and has been connected with that institution since September, 1850; he has had under his immediate control and observation an aggregate of about 12,000 insane persons, embracing all classes of society, all occupations and professions; he defined insanity as a disease of the brain, in which there is an association of mental disturbance, a change in the individual, a departure from himself and from his own ordinary standard of mental action, and a change in his way of feeling, thinking and acting. Here the witness was interrupted by the prisoner shouting out:—"That is my case; I shot the President on the 2d

of July, and I would not do it again for a million of dollars." The witness went on to define and illustrate the distinctions between delusions, illusions and hallucinations, and was again interrupted by the prisoner shouting out:—
"You are a very learned man, doctor, but you forget the Abrahamic class—the class that I belong to." The witness said he did not believe in moral insanity and had not for years; that term was intended to signify a perversion of the moral character, leaving the intellectual faculties still sound.

The District Attorney—If a man is an habitual liar and cheat would these qualities indicate insanity?

The Witness—No, sir; they would indicate depravity.

The District Attorney—Has insanity any tendency to

make men criminals?

The Witness—No; no more than neuralgia or dyspepsia, or anything else; it is only a disease; it does not put anything new in a man; it only perverts what is there.

Witness stated that he had made a thorough examination

Witness stated that he had made a thorough examination of the prisoner, who had given him a general history of his

early life, which the witness recounted.

The witness was interrupted by Mr. Scoville with the request that all the blinds in the room be raised. Although this was done the gloom was not dissipated to any extent, the darkness of the afternoon being so great that it was difficult for counsel to see to write. There is no way in which the court room can be lighted and the single lamp which was placed on the table of the official stenographer only tended to throw into darker shadow the rest of the room. The gloom seemed to make some impression on the prisoner, who sat quietly resting his head on his hands and gazing into the street, for only once or twice during the long recital of the witness did he make any interruption, and then it was in subdued tones. However, as the witness approached that portion of the interview relating to the shooting of the President, the prisoner showed more interest and denied the statement of the witness that he had said that if he had been offered the Paris Consulship he would have taken it and gone off. The witness then proceeded further, detailing the interview with the prisoner. He stated that the idea of removing the President flashed across his mind in the night; witness asked him how he finally came to the conclusion that he would do the act; he said that he had resolved to do it, that he believed that the political situation fully justified it.

The Prisoner—That kills the Paris Consulship proposition. The prosecution cannot convict me unless they can show some kind of malice. The only malice which could come was from the Paris Consulship idea, and what the

doctor says kills that idea.

Witness further stated that the prisoner had claimed that

he was legally insane, not medically insane.

The witness then proceeded to read the notes of the interview, which he had taken at the time and read to the prisoner, but they contained nothing that has not already been elicited in the trial. Among other questions witness had asked the prisoner when he came to think of insanity as a defence. He replied that he knew from the time he had conceived the act that he could not be held responsible before the law if he could establish the fact that he believed the killing an inspired act. The responsibility lay on the Deity and not on him, and that in law was insanity. He said that the jury was bound to acquit him on that ground. He admitted that he knew what the law was, and the punishment for his act, but declared that it had been committed under divine pressure. He referred to his father's Oneida Community views as showing that he was crazy on the subject of religion, and stated that heredity would be a strong point in this case. Witness had not subjected the prisoner to a physical examination, but had noted the expression of his face, the tones of his voice and his general appearance, and formed the opinion that he was sane.

The examination of Dr. Gray was continued the 31st day of December. Being asked by the District Attorney to give the reasons on which he had yesterday stated his opinion of the prisoner's sanity at the time of his examina-

tion in the jail, he said: In looking over the history of the prisoner as given to me by himself and considering his physical state through life I could see no evidences anywhere through his life when he had been insane or had any symptoms of insanity (objected to by Mr. Scoville and objection overruled); coming down to the period of his arrival in Washington on the 5th of March, I found that the prisoner was then in good health; he came here for the purpose of applying for an office; from that time down to the killing of the President he continued in good health; he said that he had not even had a headache or any evidence whatever of any physical disturbance; he followed up his effort to obtain an office persistently and in a manner which he himself thought best to secure it by personal application. He claimed no inspiration and no insanity of any kind. (Another objection by Mr. Scoville, who said the testimony was remarkably like a speech to the jury, in tone, in manner and expression. Objection overruled.) I inquired of the prisoner whether he claimed inspiration at that time and he said "No."

The Prisoner—That does not correspond with your testimony yesterday. I claimed inspiration at the beginning, the middle and at the end of the entire transaction. The whole thing was derived from inspiration, and all these experts understand it.

The Witness—I took into consideration in forming my opinion his statement that the inspiration which he claimed, or the press of Deity, did not come to him at the time of the inception of the act, but not until after he had fully

made up his mind to do the act.

The Prisoner—All this thing was the result of grinding pressure, and there is where the inspiration came in; grinding pressure made the inspiration; get that thing straight now.

The Witness—I also took into consideration the fact that while he was considering the question he held in abeyance his own act, his own intention. He controlled his own will, his own thought, reflection and intention to do the act pending the obtaining of the consulship.

The Prisoner—The doctor has forgotten what he swore to yesterday. That is the trouble with him. He is now under Corkhill's influence.

The Witness—The presence in him of judgment, reflection, self-control, in regard to his acts, was a controlling matter in the forming of my opinion; also the fact that he controlled himself as to the time in which he should do this act.

The Prisoner—The Lord does not employ a fool to do

His work. Please remember that.

The Witness—All which, in the light of my experience with insane persons, who have the delusion that they are controlled or directed or commanded or inspired by the Almighty, would be entirely inconsistent with insanity; such self-control, self-direction and self-guidance is antagonistic to anything that I have ever seen in my personal experience with the insane having such delusion; I took into consideration also in forming my opinion the fact of his preparing carefully for his own self-safety and protection.

The Prisoner—I was not going to allow the populace to destroy me when it knew nothing about my motives.

The Witness—In cases of insanity there would be no preparation for personal safety.

The Prisoner—You are talking about cranks.

The Witness—He further stated to me that he had looked up the subject of insanity and had considered it in connection with his defence.

The Prisoner—That is false.

The Witness—That would not be consistent with anything in the nature of insanity I have observed.

The Prisoner—I never thought anything about the

defence.

The Witness—Persons who have the insane delusion that they are inspired by God have been in every case the most profoundly insane persons, independent of the delusion. The delusion itself is a symptom of the profound insanity pervading the whole nature of the man.

The Prisoner—How about Abraham? There are thirtyeight cases in the Bible where God Almighty commanded persons to kill.

The Witness—I took into consideration also the deliberation with which he proceeded, as well as the change of pur-

pose which from time to time he manifested.

The Prisoner—Dr. Gray is arguing the case for the prosecution, which no expert has a right to do. Let him confine himself to facts and not to argument. Porter will do that business—Judge Porter, I mean.

The witness said that during the past ten years 300 cases of homicidal insanity had come under his care at the Utica

Asylum.

The Prisoner—Ever have any Abraham's cases? Have

you been dealing with cranks all your life?

The witness stated that of those three hundred persons only three claimed inspiration; in those cases insanity was of a most marked and violent character; they had all been insane before the offence, at the time, and for a long time afterward.

Being asked as to whether he regarded intense religious conviction as an evidence of insanity, witness replied that, in his judgment, religion was the highest possible evidence

of insanity.

Q. Suppose a man should state that he had murdered another man; that he conceived the idea himself; that he executed it himself; that no power in the universe knew of its conception; that his inspiration was only to do the act, and that the details were left to his own judgment, would you consider that any evidence of insanity? A. No; it would indicate wickedness.

Mr. Scoville excepted to the reception of this question

and answer.

Witness stated his disbelief in hereditary insanity, but admitted that a susceptibility to the disease might be transmitted.

The District Attorney inquired whether a man who believed himself under a divine inspiration would leave his vindication to the Deity or would appeal to the civil authorities?

The Prisoner—I didn't appeal to the civil authorities.

I am here under indictment.

The Witness—The man would be indifferent as to that; I recall no case where such a man appealed to the civil authorities.

The Prisoner—I have not appealed to any civil authority. I am willing to go out now if the jury will let me. If they don't, I expect the Lord has fixed the law and I will go anyway. Mr. Merrick and the other lawyers, who ought to know their business—and they say they do—say that the question of jurisdiction is going to settle this question any way.

The District Attorney asked the witness to state the instructions which he (the District Attorney) had given him

before going to the jail.
Mr. Scoville objected.

The District Attorney stated that his object was to show that the witness had gone to the jail perfectly untrammelled by any instructions.

The Court sustained the objection.

The District Attorney then read to the witness the hypothetical question of the defence, and asked his opinion as to the insanity or sanity of the person therein described.

The Witness—In my judgment that question cannot be answered yes or no; it refers to the prisoner at the bar as representing the imaginary person, and I would not be willing to answer that question with the knowledge which I have from personal examination of him; I should feel that it would be misleading; assuming that it is an entirely imaginary case and has no reference to the prisoner I should not be willing even then to give the opinion that it really represented an insane man.

In reply to the hypothetical questions of the prosecution the witness stated that in his opinion the prisoner was sane

at the time of the shooting.

While the questions were being read the prisoner con-

tinually interrupted with such expressions as, "False," "That's false," "Absolutely false," "The whole substratum of that question is false," "One word in ten is true, the rest are false."

The witness then proceeded to his further reasons for considering the prisoner sane at the present time. Among others, was the fact that the prisoner was continually interrupting, urging that he was insane and that the Deity was responsible for the act.

The Prisoner—And he will take care of it, too. Stake

your life on that, Dr. Gray.

The Witness—In other instances the prisoner claimed that the death of the President was due to the doctors.

The Prisoner—The Lord only confirmed my act by allowing the doctors to finish my work. As a matter of fact the doctors killed him.

The witness having again stated that the prisoner was sane, the latter explained, "You are paid for your opinion,

the jury is not."

The Witness (in reply to a question)—I believe that he is acting a part—that he is representing what he thinks and believes will impress others with the idea that he has an inspiration or is acting under the influence of the Deity—in that respect he is feigning.

The Prisoner—I am acting the truth in order to vindicate myself, and I will be vindicated. I never feign. I

go straight and square.

The Witness—Such conduct, from my experience, is utterly inconsistent with the idea of insanity, and especially of insanity in which there exists a delusion of a command from God.

The Prisoner—You deal entirely with cranks, but I don't and the Lord don't.

The Court then adjourned until Tuesday, the 3d day of January, 1882. Mr. Reed, of counsel for the defence, was not present in court to-day, being engaged in looking up legal authorities in the law library.

CHAPTER XX.

How Guiteau Spent New Year's Day.—He Holds a Reception.—
Three Hundred Persons Visit the Assassin.—What he Thinks about his Correspondents and his Trial.—He Expects an Acquittal.—His Prison-Fare.—Angry at Scoville.—All the Evidence in.—The Defence Close their Case.—The Court Adjourned until Saturday.

GUITEAU held a levee on Sunday as well as on Monday, the 1st and 2d days of January, 1882. Hundreds of people visited the jail on Sunday, and as many more embraced the opportunity of paying court to the assassin on Monday.

The correspondent of the New York *Herald* describes the scene as follows:

Washington was the scene of a curious and disgusting spectacle to-day. It came into the head of the warden of the jail here to permit one of his prisoners to hold a New Year's levee, and of all the persons—pickpockets, thieves, burglars and murderers—in his charge the warden selected the assassin Guiteau for this strange indulgence. More than three hundred persons, it seems, were allowed to inflame and gratify the assassin's vanity and indulge their own morbid curiosity by an admission to Guiteau's cell. There were women as well as men in this crowd, and, what is still stranger, there were women unwomanly enough to bring their little children along with them and allow them to shake hands with this vulgar murderer and wish him a

"Happy New Year." About the good taste of the three hundred who called to pay their respects to an assassin it is not worth while to speak. Morbid curiosity has been so carefully cultivated in fast serials and fast plays that no one is surprised to see it breaking out even in this grotesque and disgusting shape. There were a thousand men and women at the jail anxious to see Guiteau, and willing, perhaps, even to shake hands with him, as the three hundred did, if they could gratify their vulgar curiosity in no other way.

And the same thousand, and another thousand on top of them, will no doubt be equally clamorous to see him hanged in a few weeks from now. But decent men have a right to protest against the gross indecency committed by the warden of the jail and tolerated by the Court whose officer he is in allowing the most vulgar and cowardly murderer in the land to hold a public and formal levee in his cell. The endurance of Guiteau's blackguardism in Court is bad enough, but it has for its excuse that in this way judges and lawyers here have believed, and with some reason, Guiteau would demonstrate to the jury his entire sanity. There is no doubt, at any rate, that his sanity in Court has shown all observers that he is as sane as the sanest person in the court-room, but there can be no reason or excuse for making a hero of this wretch or for degrading men and women and little children.

Nor is such a special indulgence to one criminal fair to others. The district jail contains at this time a number of pickpockets and thieves, some burglars, several defaulters and embezzlers, and at least one murderer besides Guiteau. Of all these, only the assassin was allowed to hold public levee, and, so far as is known, this evening only another

criminal received the special indulgence of permission to go home to his family. This was Howgate, a person who, as a trusted officer of the Government—a man of education and brains—defrauded the Government of one hundred thousand, or probably two hundred thousand, dollars. There is gross injustice and wrong in this kind of discrimination. A poor negress lies in a cell near Guiteau charged with killing two white children. She has not made herself conspicuous by ranting in Court or writing letters to decent people, but neither the Court nor the warden of the jail allowed her to hold a levee to-day. There are a number of pickpockets and thieves in jail along with Howgate, most of them sinners through ignorance, bad education or want, and the whole of them together have not stolen nearly so much as Howgate, yet not one of these poor rascals was allowed to spend New Year's day in the bosom of his family. The lesson which is taught by the Court and the warden of the jail by their scandalous misconduct to-day is clear and plain enough for everybody inclined to murder or theft to understand and apply. It is simply an admonition to thieves, "If you steal, don't steal a dollar or a handkerchief; steal a hundred thousand dollars, and you may expect indulgence of a Court and sympathy of a gentlemanly jailer." It is an admonition to persons about to commit murder, "Choose a big man for your victim. Shoot a President; club a Cabinet minister; creep up behind a senator and kill him with a slungshot; but don't kill any private citizen; for if you do, the Court will deal harshly with you, and the gentlemanly jailer will not allow you to see your friends and his friends on New Year's day." It is not known whether the warden of the jail permitted the indecent exhibition of the assassin to-day by order or permission. But it is probable that some one will to-morrow call the attention of Judge Cox to the matter, to give him an opportunity to explain what badly needs explanation.

Guiteau on the 2d day of January received over three hundred callers, for the people seem almost crazy to visit and see this man in jail. The commons that intervene between the end of the street-car lines and the jail became a great thoroughfare to-day. Possibly a thousand persons visited the jail, and, with but few exceptions, every one wanted to see Guiteau. Pursuant to his request and the cautionary measures adopted by the officials at the jail, only those who were personally known to the warden and his deputies were admitted to Guiteau's cell. Deputy Warden Rusk was assigned to the duty of presenting these persons to the prisoner, who was delighted to see so many persons. Officer Fowler conducted the Herald reporter to the cell of the prisoner. Guiteau, who was well dressed and reclining on his couch, at once arose and said, "Come in; I'm glad to see you. I have had a great many visitors today. I should say at least three hundred persons have called, and equally as many were here yesterday. Only those who are the personal friends of the warden and officers are permitted to see me, for I do not care about the rabble coming in. They don't let the crowd in."

After a pause Guiteau, with some animation, said, "The question of jurisdiction can be raised in my case at any time. The proper time is on a motion for arrest of judgment. Mr. Richard Merrick and other constitutional lawyers understand this question, and are of the opinion that the Court has no jurisdiction. You may say that my opinion is that the Lord allowed the President to go to Long Branch and there pass quietly and gently away for

two reasons: first, because he wanted to confirm my original inspiration; secondly, he wanted to protect me from any legal liability."

Guiteau said this in about the same manner as a person in a comfortable room would speak of the most ordinary business affair.

"But do you think the Lord takes cognizance of the peculiar jurisdiction of a particular country?" he was asked.

"Well, I think he has arranged the matter in this particular case. He has waited six months for this matter. I expect the jury will do me justice. I do not think it will be necessary to raise the question as to the jurisdiction of the Court. I want the jury to vindicate me by saying it was the act of God, and not mine. He inspired the act and compelled me to do it, and he is taking care of it thus far to my entire satisfaction. Why, there are thirty-eight cases of inspiration in the Bible, including the Abrahamic case, where the Deity has directed persons to kill people for the good of humanity. The Deity could inspire me to serve him in this matter just as well as he could inspire persons two thousand or three thousand years ago. I do not think men or the jury believe I would have shot the President on my own account. You see, if they have the slightest doubt on this point, they will have the right to give me the benefit of this doubt and acquit me. The object of this trial is not to save my neck from the gallows, but to vindicate my inspiration. As time advances the public will appreciate my inspiration more and more. That's all on that. If I had my mail, I could give you something more.

"By the way, I got a good dinner yesterday—turkey

and a full line of vegetables. I had a good breakfast this morning-beefsteak, buckwheat-cakes and coffee. I eat well, I sleep well, and feel happy to-day. I do not miss the excitement of the Court. I have spent the entire day in receiving visitors and answering letters. I have written twenty-five letters to-day. If I only had my mail, I might show you something interesting, as I expect two or three important letters. My brother said he would be over with my mail and had four hundred letters for me; he hasn't brought them in yet. It is a pity, for, as this is celebrated as New Year's day, I have leisure. By the way, have you been to the White House to-day?" Here Guiteau paused for a reply, and his countenance wore an expression of deep, intense interest. With an eagerness of tone he then asked, "Many people there?" Being answered in the affirmative, Guiteau twirled his eye-glasses and repeated the tale of a dream he professed to have had some time ago, of having received company at the White House.

The prisoner's disquisition was interrupted by a jail-messenger, who brought him his soup. Guiteau, who was reading a *Herald*, remarked, "I don't care for any, I thank you. I expect a man shortly with my dinner."

His gaze now fell on the *Herald's* statement that Mr. Scoville had determined not to send him any more meals, and he at once became excited, saying, "Where did you get it? My breakfast came over, and I expect my dinner. Scoville has nothing to say about the matter; he is making himself entirely too busy. I never heard anything about agreement to cut off my meals and mail. It's untrue; there's not a word of truth in it. Look here: you should not publish any such thing unless you know it's true. My sister would not permit this. What right have they to intercept

my mail and meals? I don't believe there is a word of truth in this statement. If it is true, it only shows a mean, dirty spirit." After scrutinizing the statement, which he was assured was made upon Mr. Scoville's authority, he gave free utterance to his mortified vanity in an excited voice: "Scoville has got nothing to do with it. I'll rake him more than ever in the Court to-morrow. He came sneaking down here on a telegram from Corkhill to take charge of this case. I don't like his appearance; he shows himself a mean man, and I'll tell him so to-morrow. This is the most extraordinary impudence I ever knew. Only look at this statement, that I am to be denied my meals, mails and letters! I don't care anything about these people, if they are kin to me. It's the most brassy statement I've ever seen. Scoville talks as if I were a child and he was my master. They have too much brass and cheek; I care nothing at all about them. They would have gone away a month ago if they didn't have more brass than would run a foundry. They came here to make a reputation off of me; I wish they would get out and go home. Even at this late day I'll get money and friends. Scoville lacks mother-wit. This is the most impudent statement I ever heard"

"What arrangement can you now make for friends and secure money?"

"I've got money in my pocket; and if this statement in the *Herald* is true, it shows the mean spirit of the combination—Scoville, his wife and my brother. They have no more right to intercept my mail than to intercept yours. What do you know about this paragraph which says Scoville will not permit me to have any more meals or mail from the outside?"

"I know that it is the purpose of Mr. Scoville to execute this."

"Then he is a mean-spirited man; that's his reputation in Chicago. Owing to this reputation he had, I wouldn't study law in his office, but went to that of General Reynolds."

"But Reynolds, you say, acted the spy and betrayed the confidence of your cell?"

"Yes, he did; but I studied law with him ten or twelve years ago. He came here to see me as my personal friend and as a lawyer, but he played the spy for Corkhill. This is enough to upset the prosecution. Did you put in about the Halleck case? Yes, yes, I see you did. That's enough on that point."

"You should not be so hard on Mr. Scoville. He withdraws your outside meals for fear poison may be put in your food."

"There are more chances of being poisoned in jail by the food they give me here. That only shows what a jackass Scoville is. He lectured the other night, and said he was afraid I'd be shot. I don't believe a million dollars would touch the darkey who furnishes me my meals. I pay for them. He waits on me with alacrity and zeal; he sticks to me and wants my autograph, and thinks it is an honor to serve a great man like me. There is no danger of poison."

"You should remember that Mr. Scoville has devoted himself to your case, and that what he does is for the best."

"Oh, Scoville is all played out in Chicago. He is a numskull. He could not raise but forty dollars when he came here to take my case. This shows how cheeky he

is to come here to manage the most important trial for a hundred years in the annals of criminal jurisprudence in this country."

After this outburst of mortified vanity Guiteau began to read the *Herald*. He was calm and quiet until he came to the Washington telegram concerning his case, when, with great indignation and in a sneering tone, he said, "Here's some fool who has been writing to the *Herald* about the end of a monster, and that Guiteau will go to the gallows. That's untrue; some fool wrote that. Public sentiment is just the opposite. Every person who came here to-day wished me a Happy New Year and upon leaving my cell said, 'I hope God will bless you.'"

Guiteau was more indignant as his eyes caught the succeeding passage in the article, which reads: "There is another thing certain: when face to face with death, no such exhibition of mental, moral and physical cowardice will ever have been seen on the scaffold." His face quivered with anger, and, snapping his finger as he gesticulated, he said, "That's a lie. I spit with contempt and scorn on this miserable crank talk. It is all a falsehood. I'm afraid of nothing. I'll rest with this. I am satisfied so far with the trial, and am not afraid of anything."

Here he dropped his voice, and, again glancing at the papers, said in subdued tones, "That's enough of that. I wonder what jackass wrote this? It must have been Corkhill's stenographer. I would like to kick him."

At this juncture a dozen or more men and women came into the cell. They were introduced to Guiteau, and each shook him by the hand. He gave every one a cordial greeting and had something to say about the new year. Before leaving they requested his autograph, and Guiteau, seating

himself at the table, rapidly wrote his name on the foolscap paper.

Officer Fowler asked why he had never charged for his

autographs, as he had given away thousands.

Guiteau replied, "I don't want to make any money out of this thing. Everybody except me has made money out of my act. I want these politicians who have been benefited and gotten office by this act of inspiration to give me money. My relatives can get out of the case if they wish; I wish they would. I'll write a letter to one of the most prominent men in the city asking him for five hundred dollars. He will give me the money without hesitation."

Here Guiteau was again interrupted by seventeen persons who crowded into his cell. He gave them his autograph, and as they left they said, "I wish you a Happy New Year." "The same to you," responded Guiteau, bowing.

Then turning to the reporter he said, "Last year you may say I was in New York. I am now about as happy as I was then. I feel quiet in mind. All this talk about my being hung is nonsense. Mr. Merrick last October said he had prepared a brief to the effect that the Court had no jurisdiction. He or some other lawyers will argue the question of jurisdiction on a motion in arrest of judgment. The Court in banc will decide that there is no jurisdiction in the District of Columbia. We have an enormous amount of exceptions, and no doubt the Court in banc will be bound to give me a new trial if necessary. But we don't anticipate this will be necessary, as the verdict below will give me a just verdict."

The interview concluded here, for another squad of visitors came to the cell, consisting of six small boys, four women and two men.

"Are these your boys, general?" asked Guiteau of Warden Crocker, who replied, "No, not all of these." The elderly woman said to the children, "Go up to him and shake hands with him." This they did, and Guiteau, who was sitting in the chair by the table, smiled and said to each one, "How do you do? Nice boy!" He was unusually pleased with these visitors.

Shortly after this the darkey William came in with Guiteau's dinner and a local newspaper from Mr. Scoville. William told him what he had already read in the *Herald*—that Mr. Scoville said he could not have any more meals from the caterer. This again aroused Guiteau, who repeated his remarks about Mr. Scoville. He finally sat down at the table and glanced at the New Year's card which came with his meal. The card bore the picture of a golden cross embedded in lilies, and beneath were the quotations, "Unto you is born this day a Saviour" (Luke ii. 11), and "He was wounded for our transgressions" (Isaiah xliii. 5).

As Guiteau read the writing on the back of the card, "Hold on to God, and he will hold on to you," he said, "That is my belief; print that. Good-day. I'm glad you called. You must come again."

Guiteau received his company not without some pretence at dignity, and acted as if he were the hero of social life, where the best and the greatest delighted to honor him by their presence. As a general thing, the people who called on him were a fair representation of the intelligent and respectable element of society. Nearly every visitor requested Guiteau's autograph, and he willingly granted this. He folded a page of foolscap a number of times, and then wrote his name in a bold hand. He wrote quite rapidly

and omitted the "J" in his name, for he said it stood for "Julius," which is a nigger-name. Consequently, his New Year's autograph read: "Charles Guiteau, January 1, 1882."

The court-room was crowded on Tuesday, the 3d day of January. When Guiteau entered there was a commotion among the spectators; many arose to see the prisoner, who was conducted to the dock, and soon after broke out:

"I had a very happy New Year's. I hope everybody else did. I had plenty of visitors—high-toned, middle-toned and low-toned people. It takes in the whole crowd, showing the public opinion. They don't, any of them, want me hung. They were very glad to see me, and expressed the opinion, without one dissenting voice, that I would be acquitted."

Dr. Gray of Utica, N. Y., was further cross-examined by Mr. Scoville.

Question. Is your opinion that the prisoner was sane on the 2d of July based on your inability to discover any indication that his brain was diseased?

Answer. Based on the whole examination of the case and as represented here to me, also in the hypothetical questions, there was no inability present; there was no brain disease present.

- Q. Did you not answer on your direct examination that the prisoner was sane on the 2d of July?
 - A. I did, and I so answer now.
 - Q. What was the basis of that opinion?
- A. That question was connected with the asking of the hypothetical question involving what was supposed to be the ground for the opinion as to whether the prisoner was sane or insane.

- Q. Was your opinion based wholly on the hypothetical question?
- A. My opinion in answer to the hypothetical question was based wholly on that.

For some time Mr. Scoville continued to question the witness as to the ground on which he based his opinion, endeavoring to get the witness to admit that it was formed in part on the testimony of the prisoner when on the stand; but the witness was wary, and Mr. Scoville failed to accomplish his purpose. The witness declined to answer categorically any of the questions propounded to him, and, on Mr. Scoville's remonstrating with him, stated that he did not propose to be lectured; he should answer the questions in his own words. He proposed to give his own testimony, and not let counsel give it for him. He was on oath, and proposed to follow that rule.

Question. Suppose a man in a public place shoots, without adequate motive, another man in the presence of a large number of people; would that fact be any evidence of insanity?

Answer. Not the slightest; the words "apparent motive" have no particular meaning. The witness stated, in answer to questions, that the regulation of the diet, regular hours and rest were important elements in the treatment of the insane; under such treatment an insane patient might recover within three or four months.

- Q. Would there be anything to show that he was insane four months before?
 - A. Not without the history.
 - Q. What is kleptomania?
 - A. A word used to express thieving. I don't believe in

it; I don't believe in any of the so-called "moral insanities." I believe they are crimes.

Q. What do you mean by dipsomania?

A. Some people call such a tendency a habit of drinking. I call it drunkenness; I don't call it insanity.

Q. What do you mean by pyromania?

A. The burning of houses. I call it incendiarism; I call it a crime.

The witness having characterized one of Mr. Scoville's questions as frivolous, the prisoner exclaimed: "Your idea that a man cannot be insane without the brain being diseased is rather frivolous. You and the Saviour don't agree on that subject. You had better study spiritology; you will get some new light then."

Question. Suppose a person believed that he was called of the Lord to do a certain act of violence, that his education was such that he was led to obey, and that under that conviction he should do the act; would you consider such a person to be of sound mind?

Answer. I should not consider such a person necessarily insane.

- Q. Suppose he believed that he had no alternative but to do the will of the Lord and that he was not able mentally to resist it, so that with him it was a grinding pressure; would his doing that act be an evidence of insanity?
- A. No; there is no evidence of disease in it. It would be simply an extreme fanaticism.
- Q. Is it not a fact that insone people have sometimes such periods of sanity that it is difficult to detect any evidence of insanity?
- A. There are such cases—called in one class periodical cases, in another paroxysmal cases.

Here the tedious cross-examination closed.

The prisoner kept remarkably quiet during the morning, not interrupting more than three or four times—once with the information that Humpty Dumpty wanted his autograph.

At the request of the District Attorney, the witness gave brief descriptions of the various cases which had come under his observation where insane persons had committed homicide. One of these cases was that of a man who had killed his wife with an axe under the delusion that he saw the face of God in the axe and heard a voice commanding him to do the act. In all these cases the insanity was very marked, independent of the delusions.

The District Attorney stated that he thought he had concluded the examination of the witness, but desired to look over his notes during recess, which was then, at half-past twelve, taken for half an hour.

After recess Dr. Gray was further cross-examined by Mr. Scoville, but there was nothing of interest developed.

When Dr. Gray had left the stand, the District Attorney announced that the prosecution would close its testimony.

Mr. Scoville stated that the defence was somewhat taken by surprise by the Government not calling as witnesses persons in the employment of the Government, and who were in a position to know more than any other persons as to the mental condition of the prisoner at the time of the occurrence. The defence would consider this evening what course should be taken, and would let the Court know to-morrow.

Dr. S. P. Bowker of Kansas City, Mo., was called to the stand on the part of the defence. He had lived at Lead-

ville, Col., where he had been acquainted with Mrs. Dunmire, the divorced wife of the prisoner. He related a conversation that he had with her shortly after the shooting of the President. She then stated that she had not obtained the divorce from the prisoner at her own wish or suggestion, but at the earnest solicitation of her friends. She said that she had wished to defer the matter until there could be further developments in his mental condition. She said she feared she might have done him an injustice by getting a divorce under his mental condition. She expressed frequently her fear that he was mentally deranged or disordered at the time she got the divorce. She did not say that she fully believed it, but it was under discussion in her mind, and she feared it might be so.

On cross-examination, the witness stated that he had previously attended Mrs. Dunmire in the capacity of physician, and that the relations had been those existing between a physician and his patient. The witness further stated that he had seen Mrs. Dunmire in Washington, and, being anxious to return home, wished her to admit in Mr. Scoville's presence the substance of what he was to testify. She agreed to do so, but afterward, at the suggestion of her husband, refused to do so.

The Prisoner. There is a vast amount of rubbish getting into this case. I wouldn't give a cent a bushel for the expert testimony, and I would not give half a cent a bushel for all this talk.

A question arose as to whether the witness, who had returned home with the understanding that Mrs. Dunmire would deny the conversation, and who had been required to come back to Washington, should be paid his fees for the second time.

Judge Cox stated that he would hear an argument on that point immediately after the adjournment.

Clark Mills the sculptor, who had taken a plaster cast of the head of the prisoner, was called to the stand, and Mr. Scoville was about to examine him, when Mr. Davidge objected on the ground that the question of insanity had been, or should have been, fully exhausted, and could not now be reopened. The cast had been used, and had been admitted as a genuine cast.

After argument the objection was sustained.

Here the prisoner broke out, saying, "This head-business is rather a dry subject. I have got a letter here from one of General Garfield's old friends in Ohio; it is worth more than twenty heads to show the drift of public opinion. It goes on to set forth—"

Mr. Davidge rose and said that this interruption had to be stopped.

Judge Cox (to the prisoner, imperatively). Let us not hear any more of that at this time.

The Prisoner (persistently). The drift of public opinion is worth a bushel of heads.

Judge Cox. Keep quiet. Public opinion has nothing to do with it.

The Prisoner. This letter says that the harsh feeling is all toward the doctors now.

The Marshal (from the opposite side of the court-room). Stop him.

The Prisoner. I have got through. (Laughter.) What the jury wants to know is public opinion.

The Marshal crossed over to the dock and gave instructions to the officers in charge of the prisoner. As soon as he turned his back the prisoner broke out again, saying, "I address fifty million people when I talk, not this little Court and jury. The people are interested in this business."

Mr. John W. Guiteau was called to the stand for the purpose of being inquired of as to the Don Cameron letter, but the question was objected to by Mr. Davidge, who said that there was no trial in history in which such a wide latitude had been allowed to the prisoner for the purpose of defence. Whatever had been added to the trial during its pendency on the part of the prisoner was necessarily a subject of great suspicion. The prosecution admitted that the prisoner did write and send this letter. It was on account of the precedent that he objected, because it was necessary for the health of all concerned that this trial should be brought to a conclusion.

Judge Cox ruled that if the admission of the Government went to that length, the defence could not proceed any further in that direction.

Mr. Scoville asked the prosecution whether the photograph of the prisoner taken by Bell on the 4th of July would be admitted.

Mr. Davidge replied that it would not be, and added that the prisoner was thoroughly photographed, physically and morally, in the minds of the jury.

Mr. Scoville stated that there were some witnesses whom he had expected the prosecution to produce—officers of the Government—who could testify to the mental condition of the prisoner at the time of the occurrence. As they had not been produced, he wished an opportunity to subpæna them.

Mr. Davidge objected to any such reopening of the case, and insisted that the trial should be brought to a conclusion. At least a formal application sustained by affidavits should

be made to the Court, which could then exercise its discretion on the point.

Mr. Reed suggested that if the Court would now adjourn (it being within half an hour of the ordinary hour of adjournment), an affidavit would be presented on the following morning.

On further discussion, it was stated by Mr. Scoville that Mr. Burchard, director of the Mint, was one of the witnesses that he wanted to examine in regard to Luther W. Guiteau's belief that he would live for ever.

The District Attorney said he would not object to the adjournment now, with the understanding that at the opening of the Court next day Mr. Scoville should file an affidavit setting forth the witnesses proposed to be subpænaed, the facts expected to be proved by them and the reasons why they were not called before. He would not object to the presentation of any new facts that might be presented on the part of the prisoner, but he would decidedly object to any rehash of old matter.

Judge Cox said that under these circumstances the Court would now (forty minutes after two P. M.) adjourn.

As the audience was rising the prisoner broke out into a declaration of his willingness to let the case go to the jury now.

On Wednesday, the 4th day of January, long before ten o'clock, the Court was filled with people eager to witness the proceedings, which, as expected, were very interesting.

Mr. Scoville, with his valise filled with documents and notes, came in, and, taking his seat, held a consultation with Mr. Reed regarding the affidavit asking for the introduction of newly-discovered evidence of a material nature to the issue involved. Mrs. Scoville, who came in shortly

after her husband, wore a serious and sad look. The three attorneys for the prosecution huddled together and shared a foot-pan which a deputy marshal had placed under the table, for the room was a little cold. The prisoner, with a bundle of papers in his manacled hands, was escorted to the dock by the officers. The tall form of Perry Carson, the colored guard, who rides on the rear step of the van, stalked through the crowd, and took a position by the dock to await the prisoner. During the pause that ensued Guiteau amused the audience by stating he would forego his desire to make a speech, as he had promised the marshal to be quiet. In a careless manner he then began to read a newspaper.

Mr. Scoville then read an affidavit to the Court in support of a motion for leave to introduce additional evidence. The affidavit stated that since the case for the defence was closed, on December 15, he had learned of the existence and names of certain witnesses material for the defence on the subject of insanity. The names were H. D. Bragden, Marshal Green, James Brooks, Thomas Rathbone, Katie Collins, George W. McElfresh, M. A. Austin, Edward Austin and Andrew McFarland. By four of these witnesses he expected to prove that in the month of June they frequently observed the singular and strange conduct of the prisoner, and were then convinced of his insanity and freely commented on the fact between themselves. He expected to prove by Rathbone and Brooks that they had an interview with the prisoner in the jail on the 2d or 3d of July, and that he then said that he had been forced to do the act by an inspiration from God. He expected to prove by McElfresh and M. A. Austin that they rode with the prisoner to the jail on the 2d of July, and that all his actions and words were indicative of an insane man. He expected

to prove by Dr. McFarland, for thirty-seven years superintendent of the insane asylum at Jacksonville, Ill., that he knew Luther W. Guiteau, the prisoner's father, and had an opportunity for scientific observation of his mental condition in 1864, and that he then came to the conclusion that Luther W. Guiteau was insane on the subject of religion; also that from the circumstances and facts developed in evidence thus far he (Dr. McFarland) was of opinion that the prisoner was now insane. The affidavit further stated that the affiant was misled by the prosecution giving the name of McElfresh as one of its witnesses and then not calling him; otherwise, he would have been called for the defence.

Mr. Reed argued in support of the motion. He admitted that the motion to allow the defence additional witnesses was one entirely in the discretion of the Court—a discretion which he had no doubt the Court would conscientiously exercise to the end that justice might be done in this most remarkable case. It was not without precedent. He cited in this connection a case tried before Judge Blodgett where evidence was admitted even after the arguments to the jury had been commenced. It had been intimated by the prosecution by sneers and jeers that the trial had taken too much time. It was true it had been protracted, but it was not the first trial which had consumed much time. There was a case with which Judge Porter had been connected [referring to the Beecher case] which had taken about six months to try. And that was a civil case; no man's life was at stake. This case had been interrupted by circumstances which could not be prevented. Because this man was penniless, should he be left undefended in an American Court and in a land that boasted of the supremacy of law-a land which boasted of giving

the poorest man a fair trial? Mr. Scoville had had all the work of the defence; he had shown himself to be a hero. Without means, without assistance, with a client constantly interrupting and disconcerting him, he has stood up week after week and defended this poor creature against obliquity and against pressure from the outside. He (Mr. Reed) begged the Court, in the name of justice and calm fairness, to give the defence a chance to occupy one day more time in order to put this testimony before the jury, and he believed that the Court would see that it was but fair and right that it should be done. Would not the result of this trial, whatever the verdict, have a better effect if the defence were allowed to put these few witnesses on the stand and occupy five more hours only where a man's life was at stake?

Mr. Davidge opposed the application, on the ground that there was not the shadow of foundation laid for the introduction of the evidence of Dr. McFarland. It would be a scandal to reopen the case in respect to him. He was presented to the Court as a man reckless enough to form an opinion and reckless enough to swear to an opinion on a foundation which ought not to control the mind and judgment of any man. In respect of the other witnesses, the evidence was simply cumulative. The waste of time in the trial of this cause had been without precedent. He had endeavored in the beginning to confine the evidence to specific facts tending to make up the so-called defence of insanity. His Honor in his liberality-in his commendable liberality—had said that he was not disposed to impose a harsh rule on the defence, but would allow them every latitude. He did not think that the prosecution had occupied more than two weeks. All the rest of the time had been charged to the defence.

Mr. Scoville. It has been said that we have had our experts here. To a limited extent that is true, but from want of means such as the Government controlled—

The District Attorney. What power has the Government had that you have not had?

Mr. Scoville. I will state what has appeared in evidence—that on the simple telegraphic request of the District Attorney these scientific gentlemen have left their charges all over the Union and sat here week after week, expecting, as they have themselves testified, to be paid the full compensation for their time, not limiting themselves at all to the one dollar and a quarter a day which the experts for the defence were compelled to take.

The District Attorney. That is all the experts for the Government have had.

Mr. Scoville. That is all, but every one has sworn that he expected to be paid a compensation for his time; and we all know what that is with gentlemen of that character. The difficulty under which the defence has suffered has been to obtain these experts. Where is the expert for the defence whom we have been able to keep after the last train when his time was up? And here are these gentlemen waiting now in the vain expectation of seeing the result in the hanging of this man; but the law and the jury stand between them and that result.

Mr. Scoville went on to state that it was only within the last three days he had heard of Dr. McFarland, and it was only within twenty-four hours that he had learned what he could testify about Luther W. Guiteau. Most of the witnesses named in the affidavit were in the employment of the Government, and therefore stood in the same relation to the case as the District Attorney himself. None

of these witnesses would tell the defence beforehand definitely what they would testify to.

"Then you do not know it?" Mr. Davidge suggested.

"I know it to some extent, said Mr. Scoville; "I know it as to two of them-Brooks and Rathbone-from a report published in the Boston Globe on the 4th of July. Their testimony is important, because it is claimed by the prosecution that the prisoner did not mention the word 'inspiration' during the first two weeks after the occurrence. During those two weeks the District Attorney had frequent interviews with the prisoner and had all his words written down by a shorthand writer, and yet that period of time was utterly barren of all proof on the part of the prosecution. If there was anything in all that period that could be of the least service to the prosecution, it certainly would have been presented; and now, if the defence can produce any testimony covering that period of time, we should be allowed to do it. That is what we propose to do with Brooks and Rathbone,"

The District Attorney in the course of some remarks alluded to Dr. McFarland as a "so-called doctor," and said that if he attempted to testify it would be shown what his qualifications were. The fact of his offering to give an opinion from newspaper reports was a fair indication to the Court and jury and country what kind of a man he was.

The Prisoner. I did not intend to say anything about the case this morning, but I simply propose to state what can be proved by McElfresh and Brooks. (To the deputy marshal who was endeavoring to restrain him: Now do you keep quiet, or I will slap your mouth.) On my way to the jail I told McElfresh that it was the political situation which made me shoot the President. I propose to show by Mr.

Brooks that he came to my cell on the 2d or 3d of July and talked to me, on the supposition that there was some great conspiracy. I disabused his mind on that point, and told him that there was no conspiracy in the matter, but that I was induced to do the act on account of the political situation and under divine pressure. These are the two points that I want to prove by these gentlemen.

Mr. Reed, referring to the District Attorney's remark about Dr. McFarland, said that in the West, where that gentleman is known, and has been known for thirty-five years, he was the peer of any expert who had testified in this case.

Judge Cox was beginning to rule on the motion, when he was interrupted by the prisoner, who referred to the interviews had with him on the 4th of July by the District Attorney and his stenographer, Bailey, and to the fact that Bailey's notebook had been destroyed. In those interviews he had told all about the political situation and about his inspiration.

Judge Cox said he had appreciated from the outset the difficulties under which counsel for the defence labored. Mr. Scoville had come here a stranger to the place and people and to the practice of the Court, and had been comparatively a stranger to the prisoner himself for several years. It was seen at the outset that he could receive very little assistance from the prisoner in the development of the defence. The most serious difficulty that counsel had to encounter was the odium attached to the assassination, and which disinclined people from appearing as witnesses for the defence. These were very great difficulties, and he appreciated them so fully that he felt it his duty (in order to secure the prisoner a fair trial) to give a certain latitude to

the defence and such facilities as corresponded with the difficulties. If any new fact were developed now that struck his mind as having an important bearing on the defence or as necessary to a fair presentation of the case, he would deem it his duty (notwithstanding that the testimony for the defence was formally closed) to allow that fact to be given in evidence. Part of the testimony now proposed to be introduced was offered in the character of surrebutting testimony, and part not. The first was the opinion of a medical expert as to the condition of the prisoner's mind. He understood the law and practice to be simply this: The law presumed sanity, and the first affirmative testimony on that issue had to come from the defence. Expert testimony was a part of the evidence in chief for the defence on that issue, and all the expert testimony on which the defence relied must be offered in chief. Part of it could not be reserved to be offered by way of surrebutting testimony. After that testimony was in, it then became the duty and the right of the prosecution to offer evidence on the general question of insanity. The prosecution was not confined to the mere contradiction of witnesses for the defence, but it might go at length into the question and offer independent and affirmative proof on that question. A part of that testimony was that of medical experts. That testimony was not offered strictly in contradiction of the medical testimony for the defence, because one man's opinion was not a contradiction of another man's opinion, but it was offered as independent testimony. When this testimony was closed on the part of the Government, then the defence was restricted to a contradiction of facts that may have been testified to on the part of the prosecution. It was not allowed to contradict an expert on the part of the prosecution

by the testimony of another expert who had a different opinion. If that was allowed, there would be no end to the trial. It would run on to rejoinder and surrejoinder, and to all the innumerable issues which the ingenuity of counsel might devise. So that the privilege of producing expert testimony was limited to the evidence in chief for the defence, and to the evidence in chief for the prosecution. He therefore thought that the testimony of Dr. McFarland could not be received on the question of the prisoner's sanity.

The offer was also made to prove that immediately after the assassination the prisoner claimed to have acted under inspiration. When the prisoner was on the stand as a witness, he testified that he had committed this act under what he called indifferently inspiration or pressure. To rebut that testimony the prosecution had put on the stand Mr. Reynolds, who testified that he had an interview with the prisoner two weeks after the assassination, and that in that interview the prisoner did not claim to have acted under inspiration, but assigned exclusively political motives. It was not the object of the Government to prove that he did not claim inspiration, but simply to ask the jury to infer that the prisoner never did claim this inspiration until several weeks after the assassination, and after he had discovered that these men whom he supposed he was benefiting by his deed had repudiated it and were denouncing him. The hypothetical case put by the prosecution to the experts assumed that no claim of having acted under inspiration was made by the prisoner until two weeks afterward and up to the time of this interview of Mr. Reynolds with him. It would be an answer to that to show that on the very day of the assassination the prisoner did claim inspiration. As

surrebutting testimony, that evidence ought to be received. It struck him as strictly surrebutting testimony. As to the other testimony offered, which was not in reply to anything on the part of the Government, the common law practice was that the Government should summon all the witnesses whose names were indorsed on the indictment, and it was really incumbent on the Government, as a matter of fairness, to summon all the witnesses who had been present at the transaction and had seen it. The Government was not bound, however, to examine all the witnesses so summoned, but as soon as the case for the Government was closed those witnesses were at the disposal of the defence. The proper time for the defence to call upon them was when the rebutting testimony was in course of presentation. In this case the defence has occupied two weeks in the presentation of its rebutting testimony, and it was at that time that, strictly speaking, this evidence should have been offered, if offered at all.

The next question was what consideration should influence the Court in allowing additional evidence which might have been produced if known at the proper time. Such evidence ought not to be admitted if it is purely cumulative. For example, the mental condition of Luther W. Guiteau had been so thoroughly canvassed on both sides that anything more in addition to that seemed purely and exclusively cumulative. Besides, it was not a direct fact in issue, but a somewhat collateral issue. The proof of Luther W. Guiteau's insanity did not prove that of the prisoner. It did nothing more than merely tend to corroborate the direct testimony on that point. He did not think that it ought to be admitted. As to the proposition to offer witnesses who had seen the prisoner in a public park a few

days before the assassination, and had gathered from his conduct the impression that he was out of his mind, -uch testimony was of very vague and uncertain character, and he did not think it sufficiently definite to warrant him in opening the case again. The only thing that he felt any uncertainty about was in reference to the testimony of Detective McElfresh, who conducted the prisoner to the jail immediately after the occurrence. He would like more definite information as to what McElfresh could prove.

The Prisoner. I had a talk with McElfresh going in a carriage to the jail. He wanted to know why I did it. I said that it was on account of the political situation. I said, "Are you a Stalwart?" and he said "Yes." He said, "There are a great many people who feel just like you in regard to the Republican party." The point was that it was the political situation which drove me on the President. The prosecution wanted to show that it was because I was a disappointed office-seeker. I was not a disappointed office-seeker, and I would not have taken the Paris consulship after the 1st of June. Under the circumstances, therefore, I have a right to show that on the day of the shooting I told McElfresh that the cause was the political situation, and that without the political situation the President would not have been removed; and he would not have been removed, anyway, if the Lord had not crowded me into it.

Judge Cox said that if he had an affidavit as to what McElfresh would testify to he might be able to decide more satisfactorily, but that at present it seemed to him too vague. He thought, however, that the testimony as to the claim of inspiration made on the day of the assassination or on the day after was admissible as rebutting testimony.

The Prisoner. That is a sound decision, and worthy of

Your Honor. I would not give a snap for the testimony of these experts one way or another. It is simply a question of dollars and cents with them. You could get twenty or them to swear that I was as square as a rule on the 2d of July, when I did the act; while the fact is that I would not do it now for a million of dollars

Dr. George M. Beard of New York was then called to the stand by the defence,

The District Attorney asked Mr. Scoville what he proposed to prove by this witness.

Mr. Scoville replied that he intended to propound to the witness the hypothetical questions of the prosecution, and to show that in witness's opinion the prisoner was insane on the 2d July.

The Court declined to admit the evidence.

The witness stated that since 1866 he had paid special attention to diseases of the nervous system; he had given special attention to those diseases which might be regarded as on the border-line between sanity and insanity; he was not connected with any public institution or any asylum; he did not see so many cases of raving mania and dementia as those in charge of asylums, but of those cases on the border-line where difficult diagnosis was required he saw more than any superintendent of any asylum.

Mr. Scoville then propounded the hypothetical question of the prosecution, and inquired as to witness's opinion as to the prisoner's insanity on the 2d July.

Mr. Davidge objected. Objection sustained, and exception taken.

Mr. Scoville stated that he had proposed by this witness to show that the prisoner was insane.

The witness having left the stand, Mr. Scoville stated

that he desired to make a proposition to the prosecution. There had been numerous experts examined on both sides; they had testified, to some extent, in contradiction to each other. Drs. Godding, Nichols and Walker had been present throughout the trial, though not summoned by either side. He proposed to the prosecution, who said that they only wanted fair play, that the Court should call these three gentlemen to the stand and question them; neither the defence nor the prosecution would ask a question. Let their testimony go to the jury without note or comment, and let the jury decide upon it. These gentlemen were not paid to come here.

The Prisoner. They are beyond Corkhill's money.

Mr. Scoville said he would not have made the proposition but for the intimation thrown out by the District Attorney that he had sent Dr. Gray to jail with instructions to examine the mental condition of the prisoner, and had stated if he found him insane the case would never have been brought to trial. If that were good law then, it was good law now. If it was a proper thing then to rest the case on Dr. Gray's opinion, it was the proper thing now to rest it on the opinion of three such men as he had named, in order that this trial should not result that it should be a shame and disgrace not only to jurisprudence, but to the American people.

The Prisoner. They are the three ablest and most conscientious men in the District. They can't be touched by money, and that's more than you can say about the other men. Their opinions are like lawyers' opinions: you can buy them for fifty, five hundred or five thousand dollars.

Mr. Davidge. This proposition is a most unprecedented proceeding. I can only regard it as an open and avowed

confession of weakness. If the learned counsel wished to derive any benefit from the evidence of these witnesses, why did he not call them?

The District Attorney. He did call Drs. Godding and Nichols.

Mr. Davidge. I don't want to be interrupted. Why did he not interrogate them in respect of this matter? I know the opinions of Drs. Godding and Nichols, and unless they have changed them within a brief period (and I don't believe that has taken place) they could not be of the slightest service to the defence. I decline to accept the proposition. I presume it was made with the full expectation that it would be declined. I decline, however, not that I attach any importance to the evidence, but simply because I am determined to close this case if it can be done.

The Prisoner. All I want is a fair and square rebuttal testimony. I don't care a snap about the experts.

The Court. There is nothing for the Court to decide.

The Prisoner. I don't want to argue the case, and I don't want my lawyers to if the prosecution will come up like men and submit it without argument.

James J. Brooks, chief of the Secret Service division of the Treasury Department, was then called to the stand by Mr. Scoville, and in reply to questions made the following statement: I had an interview with the prisoner at midnight on the 2d of July. When I entered the cell, I announced my name and position. Mr. Guiteau was in bed. He rose up and exhibited great anger and excitement, and wanted to know why I came at that time of night and disturbed his rest and quiet, and he told me to go away. I retorted pretty hotly that it ill became a murderer to complain about his rest and quiet when by his cruel act he had

disturbed the rest and quiet of the nation and plunged it into grief. He came at me and said he was no murderer; he was a Christian and a gentleman. I said that I too professed to be a Christian, and thought that if he had ever taken God into his counsel in this matter he would not have done so wicked a thing. He said that he had taken God into account; that he had thought over it and prayed over it for six weeks, and the more he thought and praved the more satisfied he was that he had to do this thing. I endeavored to argue with him, but he would have no argument; he had made up his mind that he had done it as a matter of duty, and would not listen to any argument about it; his mind was made up, and he did not want to be disturbed. He spoke also of his being a Stalwart, and asked me whether I was a Democrat; I said no, I was a Republican. - "And a Stalwart?" - "Yes, and a Stalwart." -"Then," said he, "you can appreciate my motives in doing this thing. You can see it is a political necessity. What I did I did from patriotic motives to unify the party." We talked probably half an hour; I kept crowding him, and he talked eloquently. I told him I came to learn who his accomplices were; he said he had no accomplices; no soul on earth knew of what he was going to do but himself. I intimated that we were about to make two or three arrests. He said, "Don't do it. If you do, you will arrest innocent men. There was no man connected with me in this thing." I questioned him about the purchase of the pistol. He told me where he purchased it.

The next day I visited him. He was calm then, and quite glad to see me. He gave me the details of his work—how he commenced; how he watched the President; how he was going to shoot him two weeks before, when he was

deterred by seeing the poor sick wife on the arm of her husband. He told me also that he was lying in wait for him one night near the White House when the President came out, and his first impulse was to kill him then; somehow, he was restrained from doing so. He followed the President to Mr. Blaine's house, and waited for them to come out. He could see Mr. Blaine arguing and striking his hands and talking very earnestly. The President in his turn would be striking his hands and talking, and he made up his mind that they were still further conspiring against the liberties of the people, and that the President must die. I suggested to him then: "If your hand was stayed when you saw the wife of the President on his arm, if your hand was stayed when the President was alone going to Mr. Blaine's house, how came it that you did not recognize that as an intimation from God that he did not want you to destroy this man?" I forget his reply, but it was an evasive one.

The Prisoner. It was that I only had authority to remove the President, not Mrs. Garfield.

The Witness. I remember very distinctly one remark he made. He asked me how the President was; I said "He is suffering fearfully, poor fellow!" Said he, "I am very sorry; I wish I had given him a third bullet, and put him out of his misery;" I think that this is substantially the conversation between us.

Mr. Scoville. What did he say in regard to a pressure or an inspiration?

The Witness. I don't believe he said a word about either.

The Prisoner. It is proper to say that Mr. Brooks has stated the conversations which occurred between us very correctly indeed.

Mr. Scoville. What did he say in connection with the name of God in regard to that act?

The Witness. Nothing beyond what I have stated—that he thought over the matter and prayed over the matter for six weeks, and the more he thought over it and the more he prayed over it the more confident he was that it was his duty to remove the President.

Mr. Scoville. In what connection did the prisoner use the word "God"?

The Prisoner. That is evident to every intelligent man. Scoville, there is no use in spoiling everything by this cross-examination. If you let the witness go, it will be all right. You have no sense.

The Witness. I can only repeat what I said before—that he stated to me that he had taken God into his counsel in this matter.

The prisoner here interrupted Mr. Scoville in the midst of one of his questions, and the latter angrily commanded him to be quiet. The command was without effect, however, and the prisoner exclaimed, "Brooks said that everybody was against me. I said 'I don't care, if God Almighty is for me. I will take my chance, and after a while the people will be with me.' I am here as my counsel," he shouted, angrily, struggling with the deputy marshals, "and I don't want this officer lying around me. Sit down and mind your own business. I am talking to fifty millions of people. What are you? Nothing but an underling. Fifty millions of people listen to me when I talk, and I never talk unless I have something to say."

Mr. Scoville. Did you report your interviews to any one?

The Witness. To Mr. Corkhill and Attorney-General
MacVeagh.

The Prisoner. Mr. MacVeagh is a Christian man, and that is the reason he did not want to have anything to do with this case. That is the reason the New Jersey authorities did not want to have anything to do with it; they didn't want to get the Lord down on them. That is the place to try this case; you can't try it here.

Mr. Scoville. Did he say anything in regard to that being the first rest he had for six weeks?

The Witness. He did. He said that he had an excellent night's sleep—the first good night's sleep he had in six weeks.

The Prisoner. I felt light-hearted and merry as soon as I got in the cell. I felt happy because I had been true to God and the American people, and everything from that day to this has gone about as I expected; everybody is happy except a few cranks, and I don't care about them. Mr. Garfield did not die before the Lord wanted him; if the Lord had not wanted him, he would not have gone. He let him go to Elberon to remove him gently and gracefully.

The witness then left the stand, and Mr. Scoville offered in evidence the prisoner's photograph, taken the day after the shooting. Its admission was objected to by the prosecution, and Mr. Scoville proceeded to state the ground why the objection should be overruled.

When he had concluded, Mr. Davidge said, "We have not a word to say. The case must be ended."

"Yes," said Mrs. Scoville, in a low, sad voice, "and the man must be hung."

The Court sustained the objection, and the photograph was not admitted.

Mr. Scoville then read a letter (previously offered in

 evidence) written by L. W. Guiteau to Mrs. Scoville in 1875, in which he states his belief in his son Charles's insanity.

The Prisoner (sneeringly). Is your object in reading that letter, Scoville, to show that my father was a crank or that I was? You are a crank; that is my opinion of you. You have no more wit than a ten-year-old schoolboy.

Mr. Scoville. I believe the defence is done, under the ruling of the Court.

Mr. Davidge. I would be glad now to have the proposition of law relied on by the other side. I have our own prepared.

The Court (to Mr. Scoville). Have you prepared any-

thing?

Mr. Scoville. Nothing in order. We have varied and detached propositions.

Mr. Davidge then read and submitted to the Court the

following prayers on the part of the prosecution:

First. The legal test of responsibility where insanity is set up as a defence for the alleged crime is whether the accused at the time of committing the act alleged knew the difference between right and wrong in respect of such act. Hence, in the present case, if the accused, at the time of committing the act charged, knew the difference between right and wrong in respect of such act—that is, if he knew what he was doing, and that what he was doing was contrary to the law of the land—he is responsible.

Second. If the accused knew what he was doing, and that what he was doing was contrary to the law of the land, it constitutes no defence, even if it were true that when he committed the act he really believed that he was thereby producing a public benefit or carrying out an in-

spiration of divine origin or approval. Such belief would not afford any excuse, nor would such excuse be afforded by the fact that in the commission of the act he was impelled by a depraved moral sense, whether innate or acquired, or by evil passion or indifference to moral obligation.

Third. Insanity would, however, constitute a defence if by reason of disease the accused at the time of committing the act charged did not know what he was doing, or, if he did know it, that what he was doing was contrary to law.

Fourth. The only evidence in the present case tending to show an irresistible impulse to commit the homicide is the claim of the accused that his free agency was destroyed by his alleged conviction that the death of the President was required for the good of the American people and was divinely inspired, but such conviction, even if it really existed, could not afford any excuse when the party knew what he was doing and that it was contrary to law. No mere delusion or error of judgment-not even a fixed belief that what is prohibited by the law is commended or approved by divine authority—can exempt the accused from responsibility for breaking the law. To have such effect the commission of the act charged must have been the result of an insane delusion which was the product of disease, and of such force as to deprive the accused of the degree of reason necessary to distinguish between right and wrong in respect of the act, so that at the time of committing the act he either did not know what he was doing, or, if he did, that the act was wrong or contrary to the law of the land.

The Prisoner. I suppose Your Honor thinks that I shall be allowed to go on the stand and review certain parts of this trial in surrebuttal of what Reynolds said, of what Shaw said, of what Phelps said, and those kind of men.

I hardly think it necessary. I have stated it to the Court and to the jury and the American people, and I have stated it in that way on my honor for truth and veracity. The jury will see that.

In response to a question by Mr. Reed the Court stated that it was the practice here to settle questions of law before the argument.

The counsel for the prosecution declared their willingness to afford the defence ample time to prepare their legal points, and Mr. Porter commended the rule as to the settlement of law propositions before the argument as tending to abridge the arguments, and possibly dispense with them altogether.

The Court then, at Mr. Scoville's suggestion, at a quarter to one adjourned until Saturday.

After the Court adjourned the crowd waited half an hour to see Guiteau conducted to the prison van. A number of ladies remained within the hallway to see Guiteau as he was marched down to the basement by Deputy Marshal Williams and a strong guard of officers. The time that intervened between the adjournment of Court and the arrival of the van was spent by Guiteau in hastily looking over his mail, which comprised over three hundred letters. He selected a few, which, with a file of papers, he put in a lunch-basket to be carried to the jail. Nearly all the letters requested Guiteau's autograph and contained some expression of sympathy for the prisoner. John T. Rutz of Allentown asks for the prisoner's autograph and says:

"I see you are rather hard on the experts. Give it to them hard and heavy."

Two students at Berea, Ky. (H. E. Barton and Charles H. Norton), beg his autograph and say:

"We desire to express our deep interest in the trial now

pending, and sincerely hope that justice may triumph over ignorance and passion."

These two letters pleased Guiteau, but his joy was one of ecstasy when he read a missive from Mary J. Swinee, Louisa P. Dodge and Sarah J. Swan of Carrick, Allegheny county, Pa., who ask his autograph and say:

"Please remember that the time has never arrived in the history of our country when feeling aroused at a seeming erime is not quelled by the popular uprising of love of justice and truth."

These are a sample of the hundreds of letters that are sent to Guiteau, and he feels highly honored to be the recipient of such communications.

About one hundred and thirty witnesses have been examined in this cause célèbre, of whom twenty-two have been experts. Ten were subpænaed for the defence, but two of these testified for the prosecution. The testimony of the doctors has ranged from the declaration of Dr. Spitzka that Guiteau was a moral monstrosity, in whom the symptoms of insanity were as well marked as he had ever seen them in an asylum, to the assertion of Dr. Gray and others that Guiteau is sane, and that, so far from exhibiting symptoms of insanity, he is playing a part in Court. The witnesses whose testimony related to the shooting have been comparatively few. The first was Secretary Blaine, who stood at Garfield's side when he was shot down. But nobody gave so clear and graphic an account of that scene as a young woman who happened to be at the dépôt in Washington on the morning of the assassination, and whose eye caught the glint of the sunlight upon Guiteau's pistol as he aimed at the President's back. The majority of the witnesses besides the doctors have testified concerning Guiteau's life and conduct before and after the assassination. Although Guiteau, in his speech on the first day of the trial, declared that it was the doctors, and not he, who really killed Garfield, the defence has not undertaken to show that there was any malpractice, and so a good deal of expert testimony has been saved. A difference of opinion upon this subject between Mr. Scoville and Mr. Robinson, who were at first associated in the defence, was understood to be the cause of Robinson's withdrawal from the case at an early stage.

The cost of the Guiteau trial will be enormous. The Government paid the expenses for the witnesses for the defence, and the costs are estimated to be more than one hundred and fifty thousand dollars. The testimony covers over two thousand pages, and the expenses for the stenographer amount to nearly five thousand dollars.

CHAPTER XXI.

A Recess of Two Days.—No Person except Counsel and his Brother and Sister Permitted to Visit the Murderer.—Is Guiteau Shamming?—The Prayers for the Defence.—Mr. Davidge Cites Authorities as to what Constitutes Legal Insanity.—Guiteau not now either a Fool or a Lunatic.—The Legal Question of the Case.—A Decision of Judge Cox in Favor of the Prosecution.

On Thursday and Friday no person except his counsel and his brother and sister were permitted to visit Guiteau in prison. It was in accordance with the wishes of the prisoner's counsel that the prison-authorities returned to the discipline which had been observed during the early days of the confinement of Guiteau.

A correspondent of the New York *Herald* on Thursday had an interview with General Crocker, the warden, in regard to the permission given to so many persons to visit the murderer on New Year's day, during which General Crocker said:

"With the exception of the jail-officials, no one has seen him since yesterday, and until the termination of the trial his counsel and his brother and sister are the only persons who will be permitted to visit him in the jail. This is in compliance with the wish of his counsel and his relatives. It quite agrees with mine. For a time the prisoner was not allowed to see any visitors, to read any newspapers or to learn anything in regard to the condition of his victim, and this course, which was rather the withholding of an indulgence discretionary with the warden than the application of unusual rigor, was made the subject of a vast amount of criticism. Upon the arrival of Mr. Scoville the prisoner was allowed to receive visitors and to read the papers, and he is quite ready to talk, and at times has not been in accord with Mr. Scoville. He has doubtless said and written a great many things to which his friends have taken exception. It has been, however, to people who would never have been admitted but for the request of his friends and counsel.

"So many correspondents," added the warden, "draw upon their imaginations almost entirely, and describe as realistic what exists only as a figment of their own brains, that I am quite disposed to be pleased with the proposition not to allow Guiteau to be interviewed any more. Why, a day or two since one correspondent wrote up in vivid portraiture an account of what he termed 'Guiteau's New Year reception'—that two or three hundred people, the majority of them ladies, called upon the prisoner, brought him flowers and delicacies, chatted with him, and, in short, that Guiteau was permitted to hold a regular levee in the corridors. As a matter of fact, however, not above twenty or thirty persons saw him on New Year's day, and then only incidentally, as they would see any of the prisoners who are permitted to be seen upon days when visitors are admitted to the jail. Upon Christmas and New Year's days the friends of the prisoners are allowed to visit them and bring little presents or delicacies. It is not a matter simply entrusted to the discretion of the warden, but he is obliged to admit visitors upon these occasions."

"Well, general," suggested the reporter, "you must not expect to escape newspaper criticism."

"Oh, I don't, by any means," he replied, good-naturedly, "but I don't like so much of this imaginative work in dealing with facts. Now, as to the 'New Year's reception,' so called, it gives a bad impression abroad and invites criticism of the jail management and the unseemly conduct of our citizens in catering to the vanity of the prisoner. I have seen, too, a good many severe things published because of the crowds that throng the court-house every day, and it is my opinion that the large majority of visitors to the court-room are strangers from abroad who 'take in' the Guiteau trial as one of the sights of the capital."

"How does the prisoner conduct himself to-day?" inquired the reporter.

"Just about as usual," General Crocker replied. "He has taken considerable exercise, eaten three meals with his usual appetite, and has occupied himself in the intervals with reading the papers. I think he has appeared rather more serious and thoughtful within the past two or three days. Until quite recently the thought that he has been a central figure in the public attention has gratified his vanity and intense egotism and overshadowed all other considerations. He is a wonderfully sanguine man by disposition, as is shown all through his career by the persistence with which he has pursued certain plans or projects that 'most any other man would have abandoned as impracticable. He undoubtedly exaggerated the state of public feeling just prior to the shooting of the President, and the over-sanguine vein in his mental composition led him to believe that the Stalwarts would in some way stand between him and harm if he could succeed in bridging over the

brief period during which he might be exposed to the righteous indignation of an outraged public. He has undoubtedly fed his hopes of acquittal upon this expectation of interposition of some sort on the part of the Stalwarts or of the President, but I think he is beginning to realize that he has overestimated his chances of assistance from this quarter; and now that the trial is approaching its conclusion, and the novelty of his situation as the chief object of interest in connection with it is wearing off, he realizes more nearly his true situation. He gives no evidence as yet of despondency or breaking down; he is still as sanguine that something will intervene to save him."

"What seems to be the opinion of the jail-officials and attendants as to his sanity?" inquired the reporter.

"There is but one opinion," said General Crocker, with "There has not been a single act on his part during the six months that he has been here that would indicate insanity. His deportment has been remarkably even, no one day varying from another. He is polite in his manner, quick in his perceptions and ready of speech. converses upon any topic of the day as rationally as any man, and will adhere to the subject under discussion until the conversation turns naturally to some other topic. I never knew him to fly off on a tangent or give way to any outbreaks. He is a quick-tempered man, and sometimes shows temper if he thinks his liberties or rights are being abridged; but, like most quick-tempered men, his anger is short-lived, and he is as quick to get over it as to indulge in exhibitions of it. Altogether, he is a singular man, but he is by no means an insane man."

General Crocker was asked if the prisoner had not been visited by his counsel on that day, and replied, "No. We

expected a call from his sister, but she has probably been deterred by the inclement weather," and added, "She seems to be the only human being who really cares what becomes of him or has exhibited any affection for him or solicitude for his future. He seems to be literally an outcast from human love and sympathy."

On the question "Is Guiteau shamming?" the New York

Herald comments as follows:

The only material point on which the experts for the prosecution have differed is as to whether the assassin has been feigning insanity. Dr. Dimon of the Auburn asylum gave the opinion that the assassin has simply been acting a part in Court natural to his character and circumstances. Dr. Talcott of the asylum of Middletown, N. Y., and Dr. Evarts of Cleveland, think that he has not been shamming, but has been exaggerating his own peculiarities, which, in the language of the latter expert, are "egotism, sharpness, smartness, vulgarity and ingratitude."

But the preponderating weight of expert testimony is on the other side. Decided opinions that Guiteau has been playing a part have been given by Drs. Hamilton of New York, Macdonald of the Ward's Island asylum, Barksdale of the Virginia Central asylum, Kempster of the Wisconsin Northern hospital, and Gray of the Utica asylum. The opinion of these experts is based, first, on the marked contrast between Guiteau's conduct in jail and his behavior in Court; and second, on the nature of his outbursts and actions in Court. In jail the experts found him quiet, self-possessed and rational. It is only in Court that he has appeared violent and uncontrollable, and here there has been altogether too much method in his madness. His interrup-

tions of witnesses have been confined mainly to those for the prosecution, and his explosions and abuse have been found to coincide, as a rule, with the times when telling points were made against him. In the judgment of a majority of the experts who gave an opinion on the question, this was entirely too one-sided and selfish to be considered the conduct of an insane man. In speaking on this point Dr. Macdonald used the following language:

"I think that an insane person showing such excitement and making such interruptions would not have so much method or so much deliberation in the selection of the time and nature of these interruptions; they would be made simply when the impulse came upon him, without reference to what particular phase of the trial was in process, and without regard to whether the evidence that was being given was for or against him. The conduct of an insane person would not be characterized by selection, as is shown by the prisoner in these interruptions. There has not been in the prisoner the same frankness as you would find in insane persons. Take the instance of Dr. Spitzka's letter: an insane man who snatched up that letter and proceeded to blurt out its contents would have blurted out the whole letter, and not merely that part of it which seemed specially favorable to himself"

It was also noticed by more than one of the experts that when Guiteau was pretending to be reading a newspaper or a book he was not reading, but furtively watching the proceedings of the trial. His egotistic relish of the effect produced on the spectators by his antics has been too undisguised to escape the observation of any one. As was shown in the letter of one of our Washington correspondents, printed yesterday, these and other signs of shamming have

evidently been noted by the jurors; so that when Dr. Macdonald and other experts gave in detail their reasons for believing that Guiteau was playing a part, the testimony was listened to by the jury with unmistakable signs of assent.

Since the 1st day of January a new arrangement has been made, by which Guiteau will hereafter subsist on the ordinary jail-fare. Heretofore, when meals have been sent in to the prisoner from the outside, it was a strict rule among the jail-officers not to touch them in any way. Had anything happened to the prisoner, the jail-officials could not have been held to account for it. Mr. Scoville has now thrown the responsibility of the food and of the visitors upon the warden of the jail. He no longer issues passes or requests to the officers to admit parties to the jail. Guiteau is not to receive his letters any more, and is not to be supplied with newspapers. J. W. Guiteau has several hundred letters which have not been delivered to the prisoner. "We have not," he says, "time to read them; there are too many other important things to do. It would not be proper, of course, to send them to him. Allowing him to hold levees, read papers, receive letters, send out letters, and things of that sort, is not right in principle."

The attorneys for the defence devoted their time to the preparation of the following prayers for the defence, which they submitted to the Court on Saturday, the 7th day of January, for instructions to be given to the jury:

First. The legal test of responsibility, when insanity is set up as a defence for alleged crime, is not merely whether the accused knew at the time what he was doing, and that the act was contrary to law, for an irresponsible insane per-

son may know those things, but was the act done as the result of an insane delusion, or was it committed under an influence or power which the accused could not resist by reason of his unsoundness of mind?

Second. Although the accused may have known what he was doing, and that what he was doing was contrary to the law of the land, yet if, when he performed the act, he really believed that he was thereby producing a public benefit, and was actuated by an insane delusion that he was carrying out an inspiration of divine origin or approval, and would not have done the act but for such insane delusion, then the accused is not guilty of the crime charged against him; and the jury should find him "not guilty by reason of insanity."

Third. Insanity constitutes a defence if, by reason of it, the accused, at the time of committing the act charged, did not know what he was doing, or if he did not know that what he was doing was contrary to law, or if the act would not have been done by him but for reason of the insanity.

Fourth. The only evidence in the present case tending to show an irresistible impulse to commit the homicide, or that the accused acted under the pressure of an insane delusion in doing the act, is found in the conduct and words of the accused, as detailed in evidence. The question whether the free agency of the accused was destroyed by a conviction on his part that the death of the President was required for the good of the American people, and that he was divinely inspired to remove him by death, is one of fact, to be determined by the jury from all the evidence in the case; and such evidence includes the acts as well as the words of the accused. But such conviction, if it really existed, could not afford any excuse when the party knew what he was doing,

and that it was contrary to law, unless it was the product of an insane delusion and he was impelled to do the act by such delusion. Such delusion may exist as to a divine requirement or as to an inspiration from God. No mere delusion, unless it be the product of an unsound mind, nor error of judgment, nor even the fixed belief that what is prohibited by the law is commanded or approved by divine authority, can exempt the accused from responsibility for breaking the law if at the time he knew what he was doing and that it was contrary to law, and he was not acting under an insane delusion. To have such effect, the committing of the act charged must have been the result of an insane delusion of such force as to deprive the accused of the degree of reason necessary to distinguish between right and wrong in respect of the act, as sane people generally judge of such conduct. The delusion must have been such that at the time of committing the act he either did not know what he was doing, or, if he did, he must have acted under a controlling conviction that the act was right. Although he may have known that the act was contrary to the law of the land, yet if he did it under the insane delusion that it was commanded to be done by God, such knowledge on his part would not make him liable to punishment.

Fifth. Whether insanity exists, or has existed at any time, with the prisoner, and the degree of insanity, if any existed or has existed, are questions of fact, to be determined entirely by the jury from the evidence.

Sixth. If the jury find from the evidence that the prisoner was of unsound mind at the time of the doing of the act charged against him as criminal in this case, then it is also the duty of the jury to find whether said act was the result of such unsoundness of mind of the prisoner.

Seventh. The punishments of the law are intended for rational persons, and no one but a rational person can commit the crime of murder.

Eighth. Insanity may be interposed as a legal defence in any prosecution for an otherwise criminal act; and if such defence be established by the evidence, it takes away the criminality, and the act ceases to be a crime in contemplation of law.

Ninth. If the jury have a reasonable doubt as to the sanity of the accused at the time of committing the act charged against him as crime, they should give him the benefit of that doubt, and should find him "not guilty by reason of insanity."

Tenth. The jury are the sole judges of the credibility of witnesses, and have a right to take into account, in weighing the evidence, any apparent feeling or interest manifested by witnesses on the stand, their manner of testifying, their compensation or want of compensation, and any other circumstances connected with their testimony which the jury may think would influence them.

Eleventh. If the jury believe from the evidence that the prosecution have wilfully suppressed evidence of the mental condition of the accused during two weeks next following the shooting of President Garfield which it was in their power to have produced on the trial, the jury have a right to take that fact into consideration as raising a presumption that such evidence, if produced, would have been unfavorable for the prosecution.

Twelfth. If the jury shall believe from the evidence that the prisoner was of sound mind, or not so insane as to be irresponsible for the act, at the time of shooting at the President, on the 2d day of July, 1881, and that he then unlawfully and wilfully, but without malice in fact, in the District of Columbia, shot at and thereby injured the President, of which shooting and injury the person so injured subsequently died in the State of New Jersey, and within the United States, then the prisoner is guilty of the crime of manslaughter; and the jury should so find.

Thirteenth. The jury are instructed to find a separate verdict upon each count in the indictment, and, inasmuch as it is charged in the first, second, fourth, fifth, seventh and eighth counts of the indictments in this case that the death of the President took place in the county of Washington, in the said District of Columbia, and there is no evidence of such fact, therefore the jury are directed to find the accused not guilty upon each of said counts, separately.

Fourteenth. Inasmuch as the evidence is uncontradicted in this case that the wound was inflicted upon the President by the accused on the 2d day of July, A. D. 1881, in the county of Washington, in the District of Columbia, and that the President subsequently, and in the month of September, A. D. 1881, died of such wound in the State of New Jersey, the jury are instructed that by reason of these facts the accused is not guilty of the crime of murder charged in the indictment, and the verdict must be not guilty, unless the jury shall find him guilty of manslaughter, as charged in the twelfth prayer of the defence.

A larger number of spectators than usual demanded admittance to the court-room on Saturday, the 7th day of January, expecting that the arguments of counsel in this celebrated case would be opened. Long before ten o'clock every seat was occupied.

Messrs. Reed and Scoville were early at their desk in consultation, but the Government counsel were somewhat

tardy in entering. The Judge himself was late, and it was not until fifteen minutes past ten that the monotonous "Oyez!" of the crier announced the arrival of His Honor.

When the prisoner was conducted to the dock, Mr. Reed stepped over to talk to him, and an animated colloquy ensued, emphasized by the prisoner by blows of his fist upon the dock-rail.

The Judge suggested that there was no necessity for keeping the jury in court, and, this suggestion being acquiesced in by the counsel on both sides, the jury was given leave to retire. Through their foreman, however, the jury expressed their desire to remain.

The Court then stated that he was ready to hear arguments as to the prayers on the part of the prosecution and defence.

Mr. Davidge proceeded to open the argument on the part of the prosecution. He recalled the fact that on Wednesday last he had submitted to the Court four simple, brief prayers for instructions to the jury. The first of those prayers asked His Honor to declare that the test of responsibility in respect of human intelligence is the power to distinguish between right and wrong. The next prayer declared that if any human being possessed of that degree of intelligence commits a crime he is responsible for it; in other words, that the degree of intelligence makes him responsible for the control of his own moral nature, his passions, his emotions, his intellectual nature, his beliefs, whatever they may be. In the third prayer he asked His Honor to define just what legal insanity is-to wit, that it is the product of a diseased mind. And in the last of these instructions he asked His Honor to lay down for the guidance of the jury what is the law in respect of what is called delusion. In the present case the only irresistible impulse was the so-called inspiration. In this last prayer he asked His Honor to say that if the inspiration was a product of the man's depraved and wicked nature it afforded no excuse, and that to be an excuse it must be the product of an insane delusion. In order to shut the door upon controversy in respect of those prayers, he proposed to read them again.

Mr. Davidge then proceeded to read again the prayers of the prosecution, stating that the first prayer had for its purport simply to find out what was in the law the standard of responsibility in respect of human intelligence. It did not deal with irresistible impulses; it did not deal with delusions: it simply undertook to define where in the infinite gradations of human intelligence the law drew the line of responsibility, holding all above that line responsible; all below, irresponsible. The whole import of the second prayer was that any human being whose intelligence reached the standard described in the first prayer was responsible for the violation of law, no matter what his belief was, no matter what his passions were, no matter what his deference to duty was. The effect of this prayer was to stamp out the modern doctrine called the doctrine of "moral insanity," unknown in courts of law and unrecognized by them. The law recognized no disease of a moral nature independent of disease of the brain. In the third prayer the prosecution asked His Honor to define just what insanity was as a defence from the standpoint of law. The purport of the fourth prayer was that a man of the standard of intelligence indicated in the first prayer was bound to know what was right, and the conviction of inspiration afforded no excuse for the commission of crime by such a person.

The speaker did not anticipate any serious controversy in respect of those prayers. He had, however, read in the papers a large number of counter-prayers intended to be offered for the defence. So far as he had been able to examine those prayers, their tendency, as far as they infringed on the rules of law laid down for the prosecution, was simply to produce confusion and obscurity. If what they meant was clearly exhibited by what they appeared to say, there was hardly one of them that, in his humble judgment, ought to be entertained for an instant by the Court. The great central point in the first prayer of the prosecution was human intelligence: when ought a human being be held responsible for crime? Capacity to make a contract was one thing; capacity to make a will was another thing. A man might make an ordinary contract, and not an extraordinary contract. A man might make a very simple will disposing of a cow or a cabbage-garden, and yet be wholly unfit to exercise testamentary power in respect of any complicated system of bounty. In this case, however, they were dealing with crime. What degree of intelligence ought to make a human being responsible for crime? and such a crime! Surely the law fixed that degree of responsibility. The law in respect of contracts, the power to alienate property, the power to devise it, said that a man must be twenty-one years of age. That same law fixed the age when any human being should be responsible for crime—twelve years of age, he thought. It was hardly possible, therefore, that in respect of responsibility for crime the law did not draw the line somewhere. What was the definition of the law in respect of this responsibility? It had been involved in very great doubt until the decision of the judges of England in what was known as the McNaughton case. There

the House of Lords, alarmed at the acquittal of a prisoner who under an alleged insane delusion had shot Mr. Drummond in the streets of London, summoned all the judges of the realm (at that time fourteen) and propounded to them certain interrogatories, which were answered by the judges. One of them, Mr. Justice Moll, delivered a separate opinion, but the opinions of the others were embodied by the Lord Chief-Justice Tyndall. They laid down a rule of responsibility, and that rule from that time to the present had been adhered to by the English courts. That rule was laid down as far back as 1843-wellnigh forty years ago-and from that time to the present the English courts had seen no reason whatever to depart from the rule. That rule had been adopted almost universally in America. It was a rule of common sense, a rule of human nature. If a child or an ignorant man were asked when responsibility began, he would say that it began when the party had sense enough to know the difference between right and wrong. If he had that quantum of human intelligence, he was, and ought to be, responsible. Think of the illustrious victim of this prisoner on the one hand, and this assassin on the other! The law drew no line between a low degree of intelligence on the one hand and the highest on the other in respect of responsibility for crime. This prisoner had been portrayed as an imbecile until he went upon the stand and tore himself into shreds and atoms. A man might be peculiar, and might even be partially insane; but if he rose to the point of intelligence which enabled him to know the difference between right and wrong and that what he was doing was wrong, then he was responsible before the Court for the wrong.

The Prisoner. I didn't know the difference, sir, between

right and wrong. I had no choice. If I had had, I would not have done it.

Mr. Davidge. We will see hereafter whether he had a choice.

Mr. Davidge then stated that in the McNaughton case five questions on the subject of insanity had been submitted to the judges of England; three of those questions had a direct bearing on this case. The first question was as to the responsibility of a person for an act when at the time of committing the act he knew that he was acting contrary to law, but did the act complained of with a view, under the influence of an insane delusion, to redressing a supposed injury or of producing some supposed public benefit. The answer of all the judges (excepting Chief-Justice Moll) was that they were of opinion that, notwithstanding the party accused did the act with a view, under the influence of an insane delusion, to redressing some supposed injury or of producing some supposed public benefit, he was, nevertheless, punishable according to the nature of the crime committed if he knew at the time of committing such crime that he was acting contrary to law. In answer to the other two questions the judges stated that the jurors ought to be told that every man is to be presumed to be sane until the contrary be proved, and that to establish a defence on the ground of insanity it must be clearly proved that at the time of committing the act the party was laboring under such a defect of reason, produced from disease of the mind, as not to know the nature and quality of the act.

From that time to the present, Mr. Davidge continued, there had been no departure from the simple rule founded on nature and common sense. There had been a case recently decided in New York (referring to the Coleman case),

and he desired to read somewhat at length the able decision of Judge Noah Davis.

Mr. Porter here, remarking that it was evident that Mr. Davidge was suffering from his throat, offered to read the case for him, and his offer was accepted.

Mr. Porter then read, solemnly and dramatically, extracts from Judge Davis's charge to the jury. Among them were the following:

"The doctrine that a criminal act may be excused on the notion of an irresistible impulse to commit it, when the offender has the ability to discover his legal and moral duty in respect to it, has no place in the law; and there is no form of insanity known to the law as a shield to an act otherwise criminal in which the faculties are so deranged that a man, though he perceive the moral qualities of his act, is unable to control his feelings and is urged by some mysterious pressure. Under such a notion of legal insanity the rights of property and life, both public and private, would be altogether insecure, and every man who, brooding over his wrongs, real or imaginary, should work himself up to an irresistible impulse to redress himself, could with impunity become a self-elected judge, jury and executioner. But happily that is not the law of the land. Crime escapes punishment, not through the insanity of the accused, but through the emotional insanity of the Court and jury."

Mr. Scoville. I protest against Judge Porter working in any more speeches to the jury under the guise or pretence of citing authorities. He knows full well that that charge is not authority in the present case, and was not applicable to the case before Judge Davis. He knows full well that that speech has no more to do with this case as authority than if it had been the speech of a politician in New York.

And it is evident that it was more the purpose of getting it before the jury with theatrical effect that Judge Porter has relieved Mr. Davidge, who did not complain.

Mr. Porter (indignantly). This farce must end. We have come to a period in this trial when we stand on our rights, and the counsel must not make these broadcast reflections. If he does not receive rebuke from the Court, he will receive it from others. I have read to Your Honor a deliberate charge delivered by the presiding judge of the Supreme Court of the First District of New York—delivered by a jurist who, if he has a peer, has no superior, in the magistracy of the Union; delivered in a case of which I have never heard; delivered by a man with whom I have not exchanged words either orally or in writing since the commencement of this trial. It is reported in the official organ of the Supreme Court of New York. It is authority; it does apply to this case; it did apply to that; and as an authority on the law it should be respected.

The Prisoner. The jury went against it.

The Court. Judge Davis is an eminent judge, and his opinion is officially reported. Of course, if not applicable to this case, it is open to become the subject of comment by counsel.

Mr. Davidge remarked that the charge just read was applicable to the ease in which it was delivered—the case of a woman named Coleman, who was indicted for shooting a man whose mistress she had been, and who claimed to have shot him under pressure of an uncontrollable impulse.

The Prisoner. That Coleman case was published in all the papers a month ago, and the jury went directly against that charge in the verdict which they found. Mr. Davidge. Here is a man [indicating the prisoner] who, it is contended for the defence, is imbecile.

"Is what?" exclaimed the prisoner (Mr. Davidge having laid the emphasis on the second syllable of "imbecile").

"Now listen to him," continued Mr. Davidge, "and see what a farce has been acted here for these many weeks. He not only knows the difference between right and wrong, but he knows the law of the case."

"I do not pretend to be any more insane than yourself, Mr. Davidge," said the prisoner, "and I have not been insane since the 2d of July. It was transitory mania that I had, and that is all the insanity that I claim."

Mr. Davidge. He knows the principles of law applicable to the case as accurately as any lawyer.

The Prisoner. I do not pretend that I do not. My head is as good as yours or as Porter's. I am no fool. The Lord does not employ fools to do his work.

Mr. Davidge. Mr. Scoville has said that this man was a fool for three weeks.

The Prisoner. Scoville is a fool himself. (To the deputy marshal: Keep quiet; let me alone.) I repudiate entirely Scoville's theory of the defence. I do not even want him to address that jury; I will do that business myself. Two hours' speech to the jury will settle the question.

Judge Cox (to the prisoner). Keep silence now, and let the argument go on.

The Prisoner. That is all right, Your Honor, but I repudiate the idea that I am insane. I never claimed that I was insane.

Mr. Porter. The Court has heard the prisoner long enough. Now let Mr. Davidge be heard.

Mr. Davidge. I now desire to read the opinion of Judge

Curtis in the case of the United States against McGlew, 1st Curtis, page 1. I do so in order to stamp out any possible status in respect of the responsibility of the prisoner.

The Prisoner. I say that it was God's act, and that he

has taken care of it and will take care of it.

Mr. Davidge. We will come hereafter to the Deity part of this matter. I am not saying a word about that now.

The Prisoner. If you get the Deity down on you, he will stick to you all your days, in this world and in the next. I notify you now. You ought to be ashamed of yourself, Davidge, for selling yourself for a little filthy lucre. God Almighty will curse you, persecuting men. That is the opinion of the American press, too. (After a pause): I want to get a chance at that jury for two hours' talk.

Mr. Davidge. If this defence of uncontrollable impulse is to be found only in the absurd pretence of inspiration, I want, by this first prayer, to put the conviction of the defendant beyond the possibility of doubt. I need not have gone so far as I have gone, because we are not trying here a man whose grade of intelligence is merely sufficient to distinguish between right and wrong—to know that he ought not to do the wrong and that he ought to do the right. We are trying a lawyer.

"You are trying a man on the question of his inspiration," said the prisoner.

Mr. Davidge. We are trying a lawyer, a theologian, a lecturer—a man who, although imbecile for three weeks (as claimed by the defence), was transfigured in the estimation of the jury and of the world by his own testimony. Still, I want the law to be laid down as it is. I want its simple rules to be given by this Court, because then there is an end of irresponsibility in respect of incapacity.

Mr. Davidge then proceeded to quote from Judge Ct rtis's opinion in the case of the United States against McGlew, from Judge Clifford's opinion in the case of the United States against Holmes, and from other authorities on the subject of irresponsibility by reason of insanity. The prisoner's comment on all this was, "There is plenty of law, Mr. Davidge, on the other side of this issue which we shall deliver to you. You are all on one side this morning."

Mr. Davidge continued: "I have now presented to you the unbroken current of the English decisions from 1843 to the present time. I have presented to you the unbroken current of the decisions of the judiciary of the State of New York down to the present time. I have presented to you every outgoing from the Federal judiciary, of which you are an officer. I think that I have abundantly established the proposition that insanity, when urged as a defence in a criminal trial, is to be governed by the application of certain rules of law, and those rules are found in nature and common sense. They are so plain that he who runs may read. They consist simply of two plain propositions, involving, first, the consideration whether the party on trial knew what he was doing; whether, even if eccentric, even if queer, even if partially insane, he has sufficient reason and understanding to know that what he was doing was wrong. I shall trouble you no further in respect of the first prayer. The second prayer asserted this simple proposition and nothing more—that where God had given a man that degree of intelligence which enabled him to discriminate between right and wrong he had in his keeping the operations of his own mind and his own moral nature. The third prayer asked the Court to decide what degree of insanity emancipated a human being from responsibility.

The fourth prayer asserted that no conviction of an irresistible impulse could afford an excuse if the accused knew that he was doing wrong."

In the further course of his argument Mr. Davidge alluded to the case of Reynolds, the Mormon, decided by the United States Supreme Court, when the prisoner broke in: "I am glad you refer to the Mormons. They break the law all the time, and the Government does not do anything."

Mr. Davidge. They break the law, just as the law was broken here.

After summing up the law asserted by the prayers of the prosecution Mr. Davidge said, "Such I understand to be the law in the District of Columbia. It would perhaps be improper for me to discuss at this stage the different propositions offered by the other side until I have heard from them. It might, and perhaps would be under the feeling I was sorry to see existed here this morning, attributed to a desire on my part to forestall Your Honor's judgment, and certainly nothing is farther from my mind. So, with these remarks, I submit the prayers of the prosecution, merely adding that these propositions of law ought to be read together, and when so collated I think Your Honor will come to the conclusion that they completely cover the legal requirements of the case."

The Prisoner. Mormonism is an institution for the benefit of private lust. My act was a patriotic act for the benefit of the American people; they are well satisfied with my act.

At half-past twelve a recess for half an hour was taken.

The jury did not enter the court-room after the recess, when Mr. Reed opened the argument for the defence in advocacy of the prayers presented by them. He prefaced

his remarks by the concession that in the use of a deadly weapon in such a manner as to result in death the law presumed malice; that need not be discussed. The question whether or not the killing of the President was done with malice was a question entirely and exclusively for the jury. The defence claimed that the act was done without malice on the part of the defendant. If the jury had a reasonable doubt of the guilt of the accused, it was their duty to acquit him; they had no discretion. As to insanity, the modern doctrine, the better doctrine, was that if the jury had a reasonable doubt of the sanity of the accused at the time of committing the act it was their duty to find him not guilty. Formerly the insanity had to be proved by the defendant beyond any reasonable doubt.

The Court. In one State.

Mr. Reed. Yes. Then the doctrine began to be modified. In the Rogers case, in Massachusetts, it was decided that if the insanity was made out by the weight of the evidence the accused should be acquitted. But the courts have advanced from that ground, and the doctrine now held is that if there is a reasonable doubt of the sanity of the accused he is entitled to an acquittal.

Mr. Reed then cited in this connection the case of Happs vs. The People (31st Illinois), in which the judge in his charge said, "In every criminal proceeding, if a reasonable doubt is entertained of the guilt of the accused, the jury is bound to acquit. . . . Sanity is guilt, insanity is innocence; therefore reasonable doubt of the sanity of the accused must acquit. The presumption of innocence is as strong as the presumption of sanity."

In further support of his position that if there was a reasonable doubt of the sanity of the accused the jury must ac-

quit, Mr. Reed cited from the cases of Richard Done vs. The State, reported in the Tennessee State reports; The People vs. McCann, 16th New York; Alexander vs. The People, 96th Illinois; The State vs. Bartlett, 43d New Hampshire; and Polk vs. The State, 19th Indiana.

He also quoted from the decision of Chief-Justice Cartter, of the Supreme Court of the District of Columbia, in the case of the United States vs. Albert Nicholas, in 1870. It was there held that if the jury had a reasonable doubt on the question of sanity they were bound to acquit the accused.

Mr. Davidge called attention to the fact that the prayers in behalf of the defence spoke of the burden of proof in respect of insanity, treating it generally. In any event, His Honor would define it by speaking of doubt in respect of the legal standard of responsibility, and would indicate what was meant by "reasonable doubt."

Mr. Reed. I admit that it will be Your Honor's duty to tell the jury what "reasonable doubt" is. The question of what constitutes insanity, we submit, is a question solely for the jury.

The Court. The question of responsibility is for the Court, the question of fact for the jury.

Mr. Davidge (to Mr. Scoville). You cannot tumble this question of insanity into the jury-box. The Court will say what is legal insanity.

Mr. Reed, Your Honor will give your views as to what constitutes insanity, but whether this defendant was of sound mind or not is a question for the jury. Is there any argument made against the reasoning of Judge Reese in Illinois, Judge Bellows in New Hampshire and Judge Chalmers of Mississippi? Ought not that to be the law? It would be monstrous and shocking to the sense of justice

of any man that an accused should be condemned to the gallows about whose sanity any reasonable, fair man could have any question. Send a lunatic to the gallows in America? Whether he is a lunatic or not is a question to be decided by the jury. When they consider the evidence in the seclusion of the jury-room they may say, "Well, this man committed an awful crime-atrocious, indescribable, unparalleled in history—yet we are not quite certain that he knew that he was doing wrong. Is it not the doctrine of humanity to give the man the benefit of that doubt and hesitation, and for the Court to say to the jury, 'If you have a reasonable doubt, it is your duty to give the benefit of it to the accused '?" Some men will say that that will turn the man out on the country and he will kill somebody else. That is a question unworthy to be suggested in a court of justice. If the man's mind had been weary and his memory had departed from him, should any man say that he ought to walk as a culprit to the gallows? Would any man say that in any enlightened country to-day? Bellingham, tried in England many years ago, after he shot his victim was hurried to the gallows in seven days, and an undoubted lunatic was convicted and condemned—a shame and disgrace to British jurisprudence. In this case all we ask is that Your Honor shall say to the jury, describing to them, explaining to them, what is meant by a reasonable doubt, "If you, on your oaths, have a reasonable doubt of the sanity of the accused at the time he shot the President, it is your duty to give him the benefit of that doubt and say he is not guilty."

Mr. Scoville rose to close the argument in support of the prayers advanced by the defence, but first commented on the absence of the jury, which had availed itself of the privilege given by Judge Cox in the morning, and had not returned to the court-room after the recess. He said that he did not complain of it, but it was one of the incidents of the trial which he could not help noticing.

Mr. Davidge. What is the use of indulging in ill-natured remarks of that sort? Do you mean to intimate that the presence of the jury this morning when I was speaking or their absence this afternoon is in any manner attributable to the prosecution? Now come out if you mean to say so. (Laughter.)

Mr. Scoville. I do not mean to insinuate anything.

Mr. Davidge. Then why make such a remark?

Mr. Scoville. I do not insinuate at all. I speak out plainly what I have to say.

Mr. Davidge. It is not worthy of a man occupying a position as counsel at this Bar to make an insinuation for which there exists no foundation whatever. I certainly supposed that the jury would be here when the counsel for the defence came to state their law propositions.

Mr. Scoville. I simply mentioned it as a fact that the jury did hear Mr. Davidge's argument and Mr. Porter's speech this forenoon, are not here this afternoon to hear the arguments of counsel for the defence, and will be here to-morrow morning to hear the closing argument for the prosecution. However, I do not choose to make any point about it.

Mr. Davidge. I do not think that the jury will be here to-morrow morning, for it will be Sunday.

Mr. Porter (referring to Mr. Scoville's last remark). But I do not choose to let it go. If the counsel means to intimate that counsel on the part of the Government had the slightest voice in the question of whether the jury should be here this afternoon or not, it is not true.

Judge Cox. I do not understand Mr. Scoville to mean that.

Mr. Porter. If he does not mean that, the remark was uncalled for.

Mr. Scoville. Of course the absence of the jury this afternoon is just an accident—like Mr. Davidge having a cold this afternoon.

Mr. Reed. My associate and myself noticed the absence of the jury this afternoon. While the jury is bound to take the law from Your Honor and to be governed by it, I submit that it is not fair toward the defence that the jury is not here to hear the discussion.

Judge Cox. I told the jury this morning that they might leave the court-room if they chose, but they did not choose to do so during the morning session.

The District Attorney. We all agreed that the jury might go this morning.

Mr. Scoville. It is only an accident, as I stated; but we have accidents always. I shall not trouble Your Honor with long citations of authorities. I am satisfied that the Court has pretty thoroughly looked into those cases—more carefully and thoroughly than I have had time to do.

Mr. Scoville then went on to argue that the Court should not take from the jury the right to pass upon the question whether the prisoner would have committed the act if he had been of sound mind, and he saw that the decisions, according to the McNaughton case, were just as antiquated as Mr. Porter's style of oratory. They had both started at the same time.

"That is a very good point," said the prisoner, laughing.

Mr. Scoville went on to say that the only way in which courts had progressed at the present day was by the force

of enlightened public opinion crowding them out of the old ruts and obliging them to abandon those precedents which common sense, common reason and enlightened public opinion say shall no longer be asserted in courts of justice. He then referred to the opinion of Judge Wylie in the Mary Harris case, admitting that the tendency of modern decisions seemed to have set in in the direction of holding that one of the elements of crime was that the person committing it shall be of sound memory and discretion; also to a modern English case (The Queen vs. Davis, reported in 14 Cox's Criminal Cases, page 657), in which the judge charged the jury that, while drunkenness was no excuse for crime, delirium tremens, caused by drunkenness, might be an excuse if it produced such a state of mind as relieved the man from responsibility. The language of the judge in this case is: "Any disease that disturbs the mind so that a man cannot think calmly and rationally of all the different reasons to which we refer in considering the rightness or wrongness of an act-any disease that so disturbs the mind that it cannot perform that duty with some moderate degree of calmness and reason—may be fairly said to prevent a man knowing that what he did was wrong." If Your Honor (continued Mr. Scoville) will charge the jury like that in this case, we shall be very well satisfied.

Leaving Mr. Scoville's argument uncompleted, the Court, at three o'clock, adjourned to Monday.

On Monday, the 9th day of January, and Tuesday, the 10th, the argument which was commenced by Mr. Scoville in the afternoon of Saturday was continued, whereupon Judge Cox delivered a lengthy opinion, deciding the questions propounded in favor of the arguments of counsel for the prosecution.

The Court was called to order on Monday shortly after ten o'clock, and a few minutes later the prisoner was placed in the dock.

The proceedings of the first day of the ninth week of the trial were opened by the prisoner, who expressed his desire to say a few words about his mail. "I have," he said, "about seven or eight hundred letters that I expect to examine as soon as I have time. A good many are from ladies, expressing sympathy and praying that I be acquitted. I desire to thank the ladies of America for their sympathy. On Saturday I received a check for one thousand dollars from the Stalwarts of Brooklyn; also one for five hundred dollars from the Stalwarts of New York. I desire to call on other Stalwarts to show their hands with checks. (Angrily to the bailiffs): Keep quiet and mind your business. Don't interfere with me when I am speaking."

The jury was present, and heard the argument of Mr.

Scoville upon the questions of law before the judge.

Mr. Scoville resumed his argument in support of the prayers for the defence, taking it up at the point where he left off on Saturday—as to the point of insanity being the ability to distinguish between right and wrong. He believed it was not possible to produce a late case in England or America involving the point of irresistible impulse in which the courts had sustained, purely and without qualification, the positions of the English judges laid down in the House of Lords on the McNaughton case. Referring to the charge of Judge Noah Davis in the Coleman case, he said that while the opinions of judges are entitled to weight in matters properly before them, yet in matters not properly before them they were mere obiter dicta, and were entitled to no more authority than the opinions of any other lawyer; and that was applicable to this opinion of Judge Davis. Referring again to the recent English case of the Queen against Davis, he said that, under the principles of the McNaughton case, Davis would have been held to the rule of the knowledge between right and wrong, and to the knowledge of the criminality of the act and the penalty for

it; and yet the Court in that case laid down the rule in his charge to the jury that if the prisoner knew that the act he was committing was wrong he must be responsible even though he were mad, but that if his madness prevented that knowledge he must be excused. That question of fact the judge left with the jury in that case, and that was what the defence asked the Court to do in this case.

There seemed to be an inconsistency in that ruling, and yet that inconsistency arose from the disinclination of the Court in that case to overrule judicial authority in the Mc-Naughton case, and its unwillingness, at the same time, to stultify itself by saving that a blind unreasoning rule should control, to the sacrifice of human life. He next referred to a debate in the English Parliament on June 12, 1877, on a proposition to abolish the death-penalty, and to a speech made by Sergeant Parry quoting the unanimous resolution of a board of medical officers of asylums held at the Royal College of Physicians of London on the 14th of July, 1864, as follows: "That so much of the mental condition of a criminal lunatic as renders him responsible because he knows the difference between right and wrong is inconsistent with the fact that the power to distinguish between right and wrong exists frequently among those who are undoubtedly insane, and is often associated with dangerous and uncontrollable delusion." It was an admitted fact that an irresponsible insane person might, and did frequently, determine the question of right and wrong, and had that degree of reason left which enabled him to determine it as accurately as a person of sound mind. He proceeded to give a history of the McNaughton case. The physicians in that case had stated that while the prisoner knew the difference between right and wrong, vet that he was impelled by an insane impulse to do the act, and therefore was not accountable in the law. The Court in that case had given special importance to the evidence of two experts who had been summoned by neither side, but by the Court itself-the very proposition which he (Scoville) had made, and which had been treated by the prosecution with contempt.

The District Attorney. You had the experts on the stand

and were afraid to ask them any questions.

Mr. Scoville. Oh, we all understand that, and understand how far from the rule of right and justice the Prosecuting Attorney was when he called upon the expert from Utica and said, "You go to the jail. If you find the prisoner to be insane, I will not put him on trial." He said that to a man that he had called here under his pay and direction.

Mr. Scoville also read from the charge of Chief-Justice Tyndall to the jury in the McNaughton case, in which the judge virtually left the jury to decide the question of responsibility, saying to the jury, "If in your judgment the subject appears involved in very great difficulty, then you will probably not take upon yourselves to find the prisoner guilty;" thus giving to the prisoner the benefit of the principle of "reasonable doubt." He then proposed to read an extract from the speech of John Bright in the same parliamentary discussion.

"Was he a judge?" queried Mr. Davidge, sarcastically.
"No, sir," replied Mr. Scoville; "but I think that what

he says is entitled to as much weight as the opinion of Judge Davis in the Coleman case."

"Judge Davis is a good fellow," the prisoner interposed,

"but he is sadly mistaken about the law."

Mr. Scoville then went on to read from Mr. Bright's speech, the real point of which was to show that enlightened public opinion is a pretty safe guide even in matters of law.

Going back to the question of Judge Davis's opinion in the Coleman case, he attributed it to a desire on Judge Davis's part to pander to a reprehensible feeling of revenge against Guiteau, which induced Judge Davis to travel out of the record and to volunteer and promulgate an opinion on the Guiteau case. The question was not involved in the Coleman case.

After the recess the District Attorney rose and said that

the two last prayers for instructions by the defence raised the question of the Court's jurisdiction. It had been understood by counsel for the prosecution that this question would not be raised, but, foreseeing that it might be, he had given to it careful study, and would now offer an argument which he thought would thoroughly and completely vindicate the jurisdiction of the Court. He then proceeded

to read his argument from printed slips.

The District Attorney having finished the reading, Mr. Davidge rose, and after referring to the understanding with Mr. Scoville, that the question of jurisdiction should be waived, and to his own readiness to argue it at the very beginning of the trial, he said, "Ever since I examined this question of jurisdiction I have entertained a very fixed opinion in respect to a broader ground on which the jurisdiction may be sustained than either of the grounds mentioned in the paper read to the Court. That larger ground has always appeared to me to be this—that the crime mentioned in this indictment is a crime against the Federal Government, and that the Federal Government is not embarrassed in its legislation by the rules and principles of the common law. In the construction of the laws of the Federal Government we refer to the common law simply to ascertain the meaning of words, and, having ascertained that meaning, we have nothing at all to do with the peculiar policy or processes that govern in States the jurisprudence of which represents the common law. My view, therefore, has always been that, as to a statute passed by the Federal Government before the cession of this portion of the District of Columbia by the State of Maryland, its language ought to be construed according to its plain, natural and popular signification. We are trying this case under that Federal statute—a statute antedating the cession of this District. The language of that law is that whoever shall commit the crime of murder in any place within the exclusive jurisdiction of the Federal Government shall suffer death. With this intimation of those views of mine, in addition to the se

presented by the District Attorney, I shall say nothing further now on the subject, but shall defer argument on it until this case shall go to review in the Supreme Court of

this district, sitting in banc."

After referring to what he thought to be a misunderstanding by the counsel for the defence of the word "malice," and showing that "malice" in law means simply the intentional doing of an act denounced by the law as a crime, Mr. Davidge continued as follows: "I have laid down four simple propositions. In the first place, I stated that in this civilized land there was a test of responsibility in respect of human intelligence. I said that we were not here to define what the rule was in respect of civil transactions, but only in respect of crimes, and that the law furnished a rule whereby was established a test of human responsibility for the violation of a criminal statute. said, in the next place, that if the party had that degree of intelligence which made him responsible no mere belief, no intellectual operation of his mind, would make him irrespensible—no opinion, however fixed, not even the belief that he was inspired to do wrong by Holy Writ, would make him irresponsible, provided that it was an act of his own mind and the conclusion reached by the exercise of his own reason. In the third place, I said that, as no intellectual error would excuse, a fortiori no depravity, no moral disease would excuse. I said that the intelligence of a man was king, and that if he had a certain amount of intelligence he was held bound to keep in check not only the intellectual but the moral operations of his nature, and that such a monstrous thing as moral insanity was unknown to the law of this District, and ought to be unknown to the law of any civilized community."

The Prisoner. Transitory mania is the word, Judge-not

moral insanity.

Mr. Davidge. Lastly, I said that the only postulate of irresponsibility was disease of the mind—insanity—the product of a diseased mind, and existing to such an extent as to dethrone reason and to deprive the man of the power

to exert his intelligence in respect of the act which is the

subject-matter of the indictment.

The Prisoner. I say that the act was right, and you say that it was wrong; we will leave it to the jury to decide; that is the way we will fix it. I am leaving it to the American people, and they are coming to my side every day.

Mr. Davidge (with an air of profound disgust). Oh, keep

quiet!

Mr. Davidge proceeded with his argument, in which he was at times interrupted by the prisoner with such remarks as the following: "Mr. Garfield would not have died if the Lord had not wanted him to go;" "I don't claim moral insanity, but transitory mania. That is all that there is in this case."

Mr. Davidge went on to say: "We want light; we don't intend to allow this prisoner to escape in a cloud. If we are in error in our prayers, let the error be rectified; but let the outgoings of this Court be plain and perspicacious beyond even the reach of criticism."

Mr. Davidge having closed, Mr. Porter was about to commence his argument, when, at the suggestion of the District Attorney, the Court, at ten minutes to three, ad-

journed.

A great number of well-dressed and intelligent-looking people witnessed the opening of the Court on Tuesday.

Guiteau, with a bundle of papers and manuscripts in his hands, stopped at his brother's chair and with eagerness said, "Come over to the dock; I wish to see you." He was pale and nervous in appearance, and upon taking his seat began to read a newspaper. The orders of Judge Cox to keep the space in front of the jury clear, and the further advantage which the attorneys for the prosecution made by crowding their chairs closer together, gave Judge Porter ample space for his oratorical effort. Judge Porter, who is past threescore years, and wears the venerable sign of ripe old age on his classical countenance, was dressed in a black-cloth suit, the frock-coat being buttoned about him, with his left hand thrust into the breast of the coat. He began at once

his speech on behalf of the prosecution. He prefaced his remarks by saying that he would speak concerning the subject-matter of the prayers set forth by the defence. It was evident from the start of his address that, while he would most earnestly present the Government's view, the time had not come for his master-effort in reviewing the evidence before the jury. Still, his manner was thoroughly dramatic, the intonation of his voice, his gestures and pose of body being in accord with the ideal model of the theatrical stage. With a full, round voice indicative of sincerity he characterized Mr. Reed's argument as lawyer-like. Then, in strong tones and derisive expression, he said the argument of Mr. Scoville was one that required a Guiteau-like education. This rebuke of Mr. Scoville pleased Guiteau, who, looking up from his paper, endorsed Judge Porter's criticism, and the audience laughed. Mr. Scoville took Judge Porter's aspersion pleasantly, and whispered something to Mr. Reed, as if he felt no offence at the scornful remarks of the haughty orator. The venerable attorney was anything but suppliant in his speech. He boldly said to Judge Cox when speaking about malice, "If you accept the oath of this prisoner that there was no malice in what he did, you will overrule the law." Throwing an open law-book across his left arm, with the right he gesticulated as he gave vent to the impassioned language that followed. Guiteau frequently interrupted the speaker, and the two engaged in a colloquy, Judge Porter saving that he would endure the interruption of the prisoner, as the latter's days were short. When he said that Guiteau would soon feel the pressure of the hangman's rope around his neck, the prisoner replied, "We'll see about it," and looked out of the window.

In the course of his speech Judge Porter referred to the nonsense which the newspaper reports imputed to judges and lawyers. He finished this criticism by charging Mr. Scoville with falsifying the printed record in the case. Judge Porter, in the next breath, complimented Mr. Conkling as the foremost parliamentarian of the age, and President Arthur as the grandest statesman of the day, whose

first act was to do justice to the memory of Garfield. When he said that had these men been at the dépôt on the eventful 2d day of July they would have paralyzed the contemplated act of the assassin with an arm of iron, there was such applause that the officers had to repeatedly command silence. Thereupon Marshal Henry arose from his seat by the jurybox and said, "Let there be perfect order in Court."

After an introduction of one hour and ten minutes, Judge Porter entered upon the discussion of the subject of inspiration, and his subsequent remarks abounded with impassioned utterances, at times arising to lofty eloquence, and containing the most withering sarcasm, denunciations and invective, not only against Guiteau, but against Mr. Scoville as well, Guiteau was vexed by Judge Porter's frequent allusions to him, and did not hesitate to interject remarks. When Judge Porter declared Guiteau the pupil of Mr. Scoville, the prisoner for a moment stopped his writing, and the audience laughed, for Guiteau, chuckling, said, "Ha! ha! ha! Scoville's pupil! Scoville is my pupil!"

Judge Porter, among other things, said the following: "Under ordinary circumstances, I should not presume to add a single word to the masterly argument submitted by my learned associate, but there were some considerations he had not opportunity fully to present. After the arguments which have been made on the other side, expanding so much the field of discussion, traversing so many topics that did not seem either to my associates or me to be properly within its range, I should be failing in the duty with which I am bound to the Government by official oath if I failed to present such supplementary considerations as seemed to be called for by the course pursued on the other side. I think that Your Honor will do us the justice to say that if there has been disorder in this case, if there has been open breach of the law and decorum, if there has been time unduly occupied, it has not been by our procurement, for all that we have done has been to present the case of the Government on the facts which have been furnished to us by jurisprudence as to the law. Mr. Reed, in opening

the discussion, made a lawyer-like argument on only two propositions which had the color of plausibility. He was wise in the partition made between him and his associate of the topies which they respectively discussed. He knew that those which he discussed required the lawyer, and that those which were discussed by his associate required a Guiteau-education, a familiarity with the law of the policecourts and school of manners and morals cultivated (as the gentleman said yesterday) among the hooting owls of Ohio."

"That is a fine speech, Judge," the prisoner broke in. "I protest against Scoville abusing you any more. Let things go this time, and he will not do it again."

Mr. Porter went on with his argument. There had been a question, he said, that under the new order of moral insanity (of which Spitzka was not the inventor, but the disciple) there could be no malice where there is intense depravity; that where there is wickedness to such an extent as to control a man's actions and to redden the hand with murder and his conscience with the guilt of incendiarism, forgery and arson, the Father of us all has interposed a shield; that when malice is so intense it ceases to exist; that when the will is mastered "by the instigation of the devil" a divine shield of protection is thrown over the criminal. Counsel for the prosecution did not so believe. They denied that it was the law. His friend (Mr. Davidge) had planted himself solely and squarely-in regard to the question of malice—on a statute of the United States which assumed the fact that there might be a homicide without malice and not resulting here in death, and which provided for that case. There had been many such homicides, but the murder of Garfield was not one of them; that case was not within that statute. After the opinion of such eminent jurists as Judge Curtis and Judge Clifford, he had supposed that that question was at an end. The cases on which those opinions were given were recent cases. They were both cases in which the law was laid down as it had been laid down in the McNaughton case by the judges and law-lords of England. His friend had gone further, and had cited

the decision of the Supreme Court of the United States, which finally declared the law to be that the criminal intent demanded in the indictment was only that intent which the law presumed from the atrocity of the act, and from the circumstances of deliberation under which it was committed. Judge Clifford had said that that was an inexorable conclusion of law. But in this case His Honor was gravely asked to state that if, on this evidence, the jury should find that there was no actual malice (on the evidence of the prisoner himself), His Honor should overrule the law and say that the presumption of law is repelled by the oath of the prisoner. His Honor was also asked to let the jury assume his province and declare what is malice in cases of murder.

"I have no doubt (he continued) that they would discharge that duty faithfully, but what I object to is that Your Honor should abdicate your judicial functions at the request of the prisoner and send a question of law to the jury-box; which, I submit, Your Honor has no more right to do than they have to send the question of fact to the Bench, and I know that Your Honor will not do it; but this trial is to be memorable in after-times, and I do not care to permit such doctrines to pass unmarked, certainly not to pass without a protest in behalf of the Government. told that there (pointing to an array of law-books) are antiquated decisions-antiquated as my style of oratory. Unhappily, I never studied in a school of elocution, and never conscientiously adapted myself to anything except just what happened in the providence of God. I have accepted it as a gift of my Maker. I criticise no man's voice, no man's elocution, no man's motives, unless he makes them so transparent as to call for their condemnation in a court of justice. I unhappily did not have the advantages which Guiteau did of studying at the foot of this Gamaliel (pointing to Scoville). Whether my manners or morals would have been improved if he had been my instructor is for others, not for me, to judge. But certainly he cannot claim that the disciple whom he produced as the result of his teachings commends him to me as an appropriate instructor of youth. I refer

now not to antiquity; I refer to a book published in a revised form in 1880."

Mr. Porter then quoted from First Archibald, Criminal Proceedings, to define the legal meaning of the term "malice." "It is sufficient," he quoted, "that the circumstances show cruelty and malignity, carrying in them the plain indication of a depraved, wicked and malignant spirit." It is also laid down that a formed decision, discovering a deliberate intention, was malice. "Unless the prisoner is forsworn," continued Mr. Porter, "he committed this act with a steady mind and deliberate and formed decision." Referring to the fact of Guiteau's lying in wait for the President a few nights before he shot him, but being deterred on seeing the President talking to Mr. Blaine, Mr. Porter said, "His cowardice mastered his weakness. He pocketed the pistol, and waited for a day when it would not make him so hot as that night to escape from the pursuers of the murderer."

The Prisoner. That is false.

Mr. Porter. If it is false, it is a falsehood verified by the oath of the prisoner.

The Prisoner. It is false in the way that you put it.

Mr. Porter. Four days after he formed his decision he gave Mr. Garfield one last chance, and wanted to know whether he was or not to have the consulship at Paris. Blaine had rejected his application with contempt.

The Prisoner. He never rejected it.

Mr. Porter. He demanded of the President the removal of Mr. Blaine, and added that if the President refused it, "You and your administration will come to grief." He did; his administration did not. The President died; the Government lives.

The Prisoner. Because the Lord wanted him to die.

Mr. Porter. It is under the control of a President who will do illustrious honor to the long line of Presidents, and the man who murdered his predecessor is brought to justice by him under the law—by him and by his authority—and we demand in behalf of the Government that this assassin

shall not be spared under false pretences. He has had too much to do with this trial, but now, when he claims, through Your Honor, to deliver his own charge to this jury, or any segment of it which is contrary to law and unauthorized by authorities, exceeds the bounds of endurable effrontery.

The Prisoner. You were employed by Mr. Arthur under a misapprehension, and you had better get off, Mr. Porter.

Mr. Porter. Under the misapprehension that the law was stronger than the prisoner. The prisoner thinks that Guiteau is stronger than the law, and Scoville thinks with him.

The Prisoner. I think the Almighty mightier than the

law.

Mr. Porter. He will come directly before the Almighty, and he had better postpone his argument, if he has any, until then. He will feel soon what he never has felt before—a divine pressure, and in the form of a hangman's rope.

The Prisoner. We will see about that. The Lord has

the law fixed.

Mr. Porter. The gentleman from the woods of Western Ohio and from the police-court tells Your Honor that the law we state is no law—that it is antiquated. He tells you that Guiteau controls it, for that Guiteau is the author of the proposition I have no doubt.

The Prisoner. Guiteau is as good a man as you, any

time.

Mr. Porter. I am glad to see that Your Honor has received compliments from counsel both in Court and out of Court. The puppet which was moved readily when he sat next to his counsel is not as readily moved now, and he does not tune as well now his interjections, for he does not know that those interruptions are precipitating his doom. The difficulty with him and the whole tribe of Guiteaus (and by this I do not include those who have given honor to the name, but those who have shown such sympathy with this man as to make all men distrust them)—

The Prisoner (interrupting). How about the Porters?

Mr. Porter. In regard to him, Your Honor, his time is

short, and, since you are content to abide his interruptions, I am. They will soon be settled, and by the law which he defies and which his counsel defies.

The Prisoner. You would not make this big talk unless

you knew the Lord was on my side.

Mr. Porter (continuing his argument). Guiteau, through Mr. Scoville, asks you to charge that the question is whether he was unsound in mind. He then proceeded to cite from the case of the Queen vs. Davis (already cited by the defence) to show that it was not a parallel case to the present. In the case (he continued), when the prisoner went on the stand as a witness, and under the solemnity of an oath said that he believed that he was predestined to remove the President, he omitted to add that he was predestined by the same power to be hanged for it.

The Prisoner. We have not come to that point yet, and it is not likely we shall. You have more than enough mouth for a whole family, Mr. Big-Mouth Porter. The prisoner again interrupted and called upon Mr. Porter to tell about the Sickles case and the McFarland case. Those were cases of transitory mania, he said, and this was pre-

cisely the same case.

Mr. Porter. The prisoner is mistaken if he supposes that I am not to be heard.

The Prisoner. You can be heard just as much as you

want to.

Mr. Porter. On the authority even of this case of the Queen against Davis, "if the prisoner knew what he was doing, even though mad, he must be responsible."

The Prisoner. You and the jury did not agree in the

McFarland case.

Mr. Porter. In this case the jury may agree with me; it has not yet rendered its verdiet. If Guiteau is to dictate the verdict, it is possible that an element of doubt may be thrown into the jury-box.

The Prisoner. We want the truth and the law-nothing

more, Mr. Porter.

Mr. Porter quoted further from the judge's charge in the

case of the Queen against Davis, in which he used the words "disease which so disturbs the mind that you cannot think calmly and rationally of all the different reasons to which we refer in considering the rightness or wrongness of the act." Such language, he said, no cultivated judge ever used. Going back to the doctrine laid down in the Mc-Naughton case, he said, "And that is the antiquated doctrine which Your Honor is asked to explode on the idea that we live in an enlightened age—an age enlightened by Guiteauism; an age in which we have learned that a politician may sacrifice the life of the head of a government in petty pique or to make interest with the President's successor, being so confident of the gullibility and rascality of mankind as to believe that men like Grant and Conkling and Arthur would shield the criminal and become accessories after the fact. The first act of President Arthur was to see justice done to the memory of his predecessor and to the criminal who assassinated him. If either Grant or Conkling or Arthur had been standing at the door of the rai road dépôt, and had seen this wretch aiming his pistol at the President's back, he would have felt a blow from an arm of iron which would have paralyzed the assassin and saved the President." (Applause throughout the court-room.)

The Prisoner. The fact is that the Stalwarts are coming

round to my side very rapidly.

Mr. Porter, passing on to the question of "reasonable doubt," presented a compilation of authorities on that point which showed, he said, that in the eighteen States from which the authorities were collated the courts had reached the conclusion that the burden of proof was on the prisoner to establish insanity; and not only that, but if it be left in reasonable doubt, that does not avail the prisoner. He must demonstrate that he could not distinguish between right and wrong.

The Prisoner. That is not the issue here, but whether my free agency was destroyed—whether I was overpowered.

Mr. Porter. That is where the prisoner differs from the courts and differs from the law.

The Prisoner. I do not. That is the law.

Mr. Porter. When he and Mr. Scoville announced, the one the gospel according to Guiteau and the other the law according to Scoville, I submit that Your Honor is bound by neither of those new dispensations. You are to declare the law as it existed on the day of the assassination. I deny that I, as a sworn representative of the Government, am—or that Your Honor, as a sworn judicial officer of the Government, is—at liberty to discard the law for the sake of shielding an assassin. The new dispensation is not to be introduced here. Counsel may clamor as loudly as he will, but I trust that that clamor will not disturb the serenity or interfere with the sense of duty and responsibility of the learned Judge who is to deliver his instructions, not theirs.

The Prisoner. I want the law and the truth, and that is

all that I do want.

Mr. Porter, passing on to a criticism of the prayers of the defence, was interrupted again by the prisoner saying that there were in the Bible thirty-eight cases of divine orders to commit murder.

Mr. Porter. He swears that he believes in the Bible, although I do not believe his oath. I think that he no more believes in God than do those witnesses who, though swearing in his name, shrank from the avowal of their faith in the existence of a Creator.

The Prisoner. You are working for your five thousand dollars. You had better get your money and go home.

Mr. Porter (proceeding) referred to Guiteau's intention to marry a second wife, and was again interrupted by an exclamation from the prisoner to the effect that that idea had nothing to do with his act in shooting the President—that the motive was to save the Republic.

Mr. Porter went on to argue that even St. Paul, with his divine inspiration, had no immunity from stripes and scourges and death, but that he bowed his head to the Roman sword, and suffered that doom by the permission of that same Being whom this man impiously invoked as his protector and in whose name he had menaced even the Court and jury.

The law of inspiration which the prisoner quoted had no place here. Human laws were administered by human governments. When the Father of us all commissioned an apostle to do his work, he commissioned him also to take

the consequences of his work.

The Prisoner. Now, Mr. Porter, I want to say right here that I am willing to take the consequences of the act, and I think the Lord has got it fixed so that the consequences will not be very serious. I stand up like a man and will take the consequences. I would go to the gallows to-morrow if necessary. Put that down. I want no more of this bosh from you.

Mr. Porter. I am very much inclined to oblige the pris-

oner and postpone my argument.

The Prisoner. I am glad that you are making your speech now. It will be stale when you get before the jury. (Then, laboring under great excitement, he continued): You people think that I am afraid of going to the gallows. I am not. If the Lord wants me to go, I will go. Put that down. Mr. Porter, I say that I am in the right, and the American

people are saving so too.

Mr. Porter concluded his argument by reading President Garfield's letter complimenting the judge who laid down the doctrine of responsibility in connection with the defence of insanity in the Jones-Gallatin case. He added that Mr. Garfield little thought that that letter would first make its appearance in black lines expressive of the popular grief at the act of the murderer who was now before this Court for

justice.

Judge Cox then proceeded to state his views on the prayers submitted on both sides, first giving his attention to the question of jurisdiction. He said that at an early stage in the case he had expressed a preference to hear that question discussed in a preliminary form by way of demurrer or motion or plea, because a determination of it adversely to the jurisdiction would have spared all the labor and trouble of the trial. Counsel, however, had the privilege of making the question at any stage of the case. The jurisdiction of

the Court had been publicly discussed and seriously challenged, and he had felt it incumbent on him not to ignore a question so vital to the rights of the accused. He had deemed it his duty, therefore, to investigate the question thoroughly. After a very exhaustive review of the English and American authorities, he expressed his conviction that the English authority was decidedly in favor of jurisdiction where the blow had taken place, and that in this country there was a strong array of authority in the same direction. He felt at liberty to adopt and announce the doctrine (which conformed to common sense) that the jurisdiction was complete where the fatal wound had been inflicted, and that, therefore, the place of death was immaterial. Consequently, it would be improper to grant the thirteenth instruction prayed for by the defence, because the offence charged might be tried and conviction might follow under those counts of the indictment which averred the death to have occurred in the District of Columbia. For the same reason the fourteenth instruction, relating to jurisdiction, had to be denied. When it became his duty to charge the jury in the case, it would be his effort to expand and illustrate so much of those instructions as he considered correct, but for the present he merely desired to express his opinion sufficiently to guide the counsel in their arguments to the jury.

The Prisoner. I am glad Your Honor has excluded the

thirteenth prayer. It was put in without my consent.

Judge Cox then proceeded to consider the first and second prayers of the prosecution in connection with the third,

fifth, sixth and eighth prayers of the defence.

The first instruction asked for by the prosecution—namely, that "the legal test of responsibility where insanity is set up as defence for alleged crime is whether the accused at the time of committing the act charged knew the difference between right and wrong in respect of such act"—he regarded as correct. He reviewed at great length the questions involved in the McNaughton case, and quoted from testimony given by the Lord Chief-Justice Fitz-James Stephen before a parliamentary committee which had before it, in

1874, a bill to define the law of insanity. He referred to this, he said, simply to show that the answers of the judges in the McNaughton case had not since been regarded as clearly establishing the proposition that a mere capacity to know the law of the land subjected persons to criminal responsibility. Since the McNaughton case a number of homicide cases had been tried at *nisi prius* in England, and he had not been able to find one in which a knowledge of the law of the land had been laid down as a test. In the United States there were numerous cases that applied to a knowledge of right and wrong in regard to the particular case, but the instructions had been in the most vague and general terms. He would therefore state his own views, which he did, as follows:

To a sane man an act, whether morally wrong or not, is wrong if it is in violation of the law of the land. It cannot be right for him, although he may think that independently of the law it would be. It cannot be right for him, although he may think it is right notwithstanding the law, and that he may rightfully commit it in violation of the law. But, while a sane man is responsible for opinions contrary to law if carried out in practice, an insane man is not held to the same responsibility. He may know the law of the land, but in his delusions he may insanely believe that it is not the law for him, but that he is acting under a higher authority, which supersedes it. If, therefore, I am to rule upon this proposition as presented, I grant it only with a qualification, and I give as a substitute therefor my own (marked No. 1), as follows:

No. 1. The legal test of responsibilty where insanity is set up as a defence for alleged crime is whether the accused at the time of committing the act charged knew the difference between right and wrong in respect of such act. Hence, in the present case, if the jury find that the accused committed the act charged in the indictment, and at the time of the commission of his crime knew what he was doing, and that what he was doing was contrary to the law of the land, he is responsible, unless, in consequence of insane

mental delusions or other form of mental disorder, he was laboring under such defect of reason as to be incapable of understanding the obligation of the law of the land and the duty and necessity of obedience to it, and if understanding that his act was wrong because it was in violation of the law.

The Prisoner. That first instruction is just what I desire. It leaves the matter entirely with the jury to say whether the act was right or wrong. I say that it was right.

Judge Cox. I have prepared instruction No. 2, which embodies all that I think is correct in the remaining instructions asked for by the Government, and in the first four instructions asked for by the defence. It is as follows:

No. 2. If the jury find that the defendant committed the act charged, and at the time thereof knew what he was doing, and that what he was doing was contrary to the law of the land, it constitutes no excuse, even if it is true that when he committed the act he really believed that he was producing a great public benefit and that the death of the President was required for the good of the American people; nor would such excuse be afforded by the fact that in the commission of the act he was controlled by a depraved moral sense, whether innate or acquired, or by evil passions or indifference to moral obligations. And even if the jury find that the defendant, as a result of his own reasoning and reflection, arrived at the determination to kill the President, and as a further result of his own reasoning and reflection believed that his said purpose was approved or suggested or inspired by the Deity, such belief would afford no excuse. But it would be different, and he would not be responsible criminally, if the act was done under the influence and as the product of an insane mental delusion that the Deity had commanded him to do the act, which had taken possession of his mind, not as a result of his own reflections, but independently of his own will and reason, and with such force as to deprive him of the degree of reason necessary to distinguish between right and wrong as to the particular act. In such case, even if he knew that

the act was a violation of the law of the land, he would not be responsible if his reason was so perverted by the insanity that he was incapable of understanding the obligation of the law of the land, and that the act was wrong under the obligation of that law and wrong in itself.

Judge Cox continued as follows:

"In this connection I add the words 'wrong in itself,' because I can conceive a case in which one might believe, insanely, that the law of the land provided no punishment for murder, and yet the person might be perfectly aware of the moral enormity of the crime. I would be unwilling to

pronounce such a person irresponsible.

"I have omitted from this instruction one important feature of that asked for on the part of the defence. It is expressed in the first sentence of the first prayer in these words: 'Or was it committed under an influence or power which the accused could not resist by reason of his unsoundness of mind?' It cannot be denied that some of the most respectable courts in this country have recognized it as possible that a man may be driven against his own will to the commission of an act which he knows to be wrong by an insane irrepressible impulse within him, overriding his own will and conscience; and those courts maintain that, as under such circumstances the will to do wrong (which is the very essence of criminality) is wanting, he ought not to be held criminally responsible. They therefore hold that the test of the knowledge of right or wrong ought to be qualified by the further condition whether the person had the power to choose between doing or not doing the act. The question is a dangerous one alike for courts and juries to handle, and I do not intend to express an opinion upon it further than the facts of the case require. Those facts seem to relieve me from the necessity and the responsibility of discussing it generally. If we struck out of this case all the declarations and testimony of the defendant himself, we have no light whatever on the subject. There are circumstances, such as his actions and conduct, which, his counsel may argue, of themselves indicate some

aberration, and are corroborative of and explained by his testimony. But of themselves they would have afforded no indication of the particular motive or special form of delusion that actuated him. Of this we have no indications except in the declarations, oral or written, of the defendant himself. But he has never claimed that he was irresistibly impelled to do an act which he knew to be wrong. On the contrary, he always claimed that it was right. He justified it at the time and afterward, in his papers, as a political necessity and an act of patriotism; and, whether he claimed inspiration early or late, he has claimed that the act was inspired, and therefore right. He has used the words 'pressure' and 'inspiration' interchangeably, as it were, to express the idea. This has no meaning unless it be that he was under an insane delusion that the Deity had inspired and commanded the act. He has certainly not separated the idea of pressure and impulse from the conviction of inspiration and right and duty."

The Prisoner. My speech will throw a light upon that

very point.

Judge Cox. The defendant has asserted no form of insanity which does not involve the conviction that the act was right; and I feel sure that I am not transcending the privilege of the Court when I say that there is no evidence in the case outside of his own declaration tending to prove irresistible impulse as a thing by itself and separate from this alleged delusion. Therefore, the case does not seem to me to present or call for any ruling on the hypothesis of an irresistible impulse to do what the accused knew to be wrong and what was against his will. Whether there is such a thing as irresistible insane impulse to commit crime, and whether it has existed in any particular case, are questions of fact, and not of law. In this case, I think, there is no testimony showing that it can exist by itself as an independent form of insanity, but rather the contrary. There is, however, testimony tending to show that such impulses result from and are associated with insane delusions, and especially with an insane delusion as that the party has

received a command from the Deity to do an act. But if such an insane delusion exists, so as to destroy the perceptions of right and wrong as to the act (which is substantially the defendant's claim), this of itself is irresponsible insanity, and there is no need to consider the subject of impulses resulting from the delusion. On the other hand, if there were no insanity, but a mere fanatical opinion or belief, the only impulse that could have actuated the defendant must have been a sane one—such a one as, in the most favorable view of it, a mistaken sense of duty—which impulse the law requires him to resist and control.

In connection with the medical testimony tending to show that these impulses are always or generally associated with some insane delusion, if there are facts tending directly to show the existence or absence of an irresistible impulse, they may perhaps furnish some evidence of the existence or absence of insane delusion. But I think, in view of the undisputed features of this case, it would only confuse, and perhaps mislead, the jury to give them any instruction directly upon the subject of irresistible impulse, and that this particular case does not call for any qualification for the general rule adopted, as I have mentioned, as

the text of responsibility.

The twelfth instruction is drawn with reference to section 5342 of the Revised Statutes. I do not understand that statute to create any new species of manslaughter. It uses the common-law definitions of both murder and manslaughter, and (perhaps in view of the doubts I have already spoken of) applies them to two cases where the mortal wound was inflicted in one jurisdiction and the death occurred in another. The terms "malice" and "maliciously," used in the statute, would have no meaning except by reference to the common law. We know that the term "malice," in the definition of murder, does not require that proof shall be given of any special hatred or ill-will to the deceased, but that the deliberate intent to kill, from whatever motive, constitutes all the malice that the law requires to be shown, and that the term "without malice," in the defini-

tion of manslaughter, means simply without premeditated intent, as where the killing occurs in the heat of passion or sudden quarrel. All this I will explain to the jury when it becomes necessary to charge them. But the instruction—in its use of the phrase "without malice in fact"—might convey the idea to the jury that if the killing was done from the motives declared by the prisoner, and if he had, as he says, no personal ill-will toward the President, it was not murder. It is objectionable on this ground, and every object that could be properly sought under this head will be attained by the explanations which I have indicated to be made to the jury. It becomes important, in the first place, to settle the rules of evidence by which the jury is

to be guided in weighing the proofs.

In reference to the question on whom rests the burden of proof where insanity is relied on as a defence, three different and conflicting views have been held by three different courts. According to one view, it is incumbent on the accused to establish the fact of his insanity at the time of commission of the alleged crime by evidence so conclusive as to exclude all reasonable doubt of it. But this view derives so little support from authority that it may be passed over without comment as inadmissible. Another view is that the defence of insanity is an affirmative one, which the party asserting it must establish to the satisfaction of the jury by at least a preponderance of evidence—that is to say, the evidence in favor of it need not be so conclusive as to leave no room for reasonable doubt, but it must have more weight with the jury than the evidence against, so that they would feel justified in finding the fact as they would find any fact in a civil suit, in which all questions of fact are decided according to the weight of the evidence. Still another view is that the sanity of the accused is just as much a part of the case of the prosecution as the homicide itself, and just as much an element in the crime of murder, the only difference being that, as the law presumes every one to be sane, it is not necessary for the Government to produce affirmative evidence of the sanity, but that if the jury have a reasonable

doubt of the sanity they are just as much bound to acquit as if they entertained a reasonable doubt of the commission of the homicide by the accused. After a careful examination of the authorities, some of which are mere dicta and others not well-considered, or even consistent, statements of opinions, I am satisfied that the best reasons and most weighty of them sustain the views which I now proceed to state. I have examined all the authorities with great care over and over again. The cases that are referred to in support of the second rule are somewhat more numerous than the others. Some of them, however, turn on the statutory definitions of the charge of murder. A great many of the cases are mere dicta, and some of them involve utter contradictions; not one of them contains the least show of argument. With us there is no statutory definition of murder. We have the common-law definition of murder as occurring when a homicide is committed by a person of sound memory, discretion, etc. The opinions which support the last view are decidedly entitled to most confidence. reasoned out from first principles, and their reasonings have been unanswered, and are, in my judgment, unanswerable. In the case of Stone, tried in this Court a few years ago, the instructions were as follows: "In a capital case the defence of insanity is required to be made out by most clear and convincing proof. In this case the jury must judge of the evidence offered to sustain the defence; and if, on consideration of all the evidence, in connection with the assumption that what a man does is sanely done, the jury entertains a reasonable doubt as to whether the prisoner committed the homicide charged, or as to whether at the time of the commission he was in a sane state of mind, they must acquit him."

I shall, however, adopt the suggestion which is found in some of the later authorities—that is, not to instruct the jury to acquit if they feel a reasonable doubt about any one fact in the issue; but I shall instruct them as to the nature of the crime and as to all the elements composing it, including that of responsibility. I shall instruct them as to the

presumption of innocence and sanity, and shall tell them finally that, on the whole evidence and on the consideration of both these presumptions, if they have a reasonable doubt of the guilt of the prisoner, the prisoner is entitled to an

acquittal.

The tenth and eleventh instructions asked for on the part of the defence do not involve any serious question. eleventh instruction asks me to say that "if the jury believe from the evidence that the prosecution has wilfully suppressed evidence of the mental condition of the prisoner during two weeks following the shooting of President Garfield which it was in their power to have produced in the trial, the jury have a right to take that fact into consideration as a presumption that such evidence, if it had been produced, would have been unfavorable to the prosecution." Any instruction ought to be based on some evidence in the case; and if I were to grant the instruction in that form, I would be assuming that there was some evidence in the case tending to show a wilful suppression of evidence by the prosecution. I cannot so assume. It is always, however, open to either side to argue that evidence which might have been produced, and which has not been produced, should be regarded as injurious to the party refusing to produce it. But I do not think the Court ought to give a formal instruction in the shape of either the tenth or eleventh prayer. I have already given my views on the twelfth and remaining prayers.

At the conclusion of Judge Cox's decision the prisoner remarked, "I am satisfied with the law as laid down by

Your Honor."

CHAPTER XXII.

The Argument of Counsel Commences.—An Elaborate and Eloquent Speech of Mr. Davidge.—Conception of the Murder, its Consideration and Consummation.—The Assassin's Insanity Denied.—His Mental Condition shown by his Life.—Interruptions by Guiteau.

A VAST crowd fairly jammed the halls and corridors of the court house on Thursday, the 12th day of January, who had come to hear the argument of Mr. Davidge for the prosecution. Probably one-half of the audience were ladies. They have manifested an extraordinary degree of interest

in the trial from the beginning.

Owing to the removal of the chairs, Mr. Davidge, who opened the case for the prosecution, stood in front of the lawvers' table and within a few feet of the jury. At the other end and near the door sat Marshal Douglas, a son of Frederick Douglas. Seated between Mr. Corkhill and Judge Porter was the Italian actor, Signor Rossi. This eminent tragedian, with his gloved hands folded and resting on a cane, seemed thoroughly abstracted at intervals. He several times nodded his head in approval of what Mr. Davidge said respecting the will and free agency of Guiteau, and more than once as the actor's eyes wandered from the speaker in the direction of the prisoner, his lips were seen to move as he unconsciously murmured a line or two from "Hamlet." No one in the audience seemed more interested, for certainly no one was so much absorbed in the speech. Mr. Davidge in a calm and leisurely manner proceeded to discuss the case in its relation to the life, character and act of Guiteau, as developed by the testimony. 48

The speaker is a venerable man, small of stature, and for his age remarkably well preserved. His well-rounded head and white hair, his genial expression of countenance and regularity of feature, remind one of the typical George Washington. In fact, the resemblance of Mr. Davidge to the picture of the first President is often mentioned by members of the Bar. In his apparel he was unlike Washington, for he wore a standing collar and black cassimere suit, his sack coat giving an air of boyish grace to his form. Although different in style and manner from Judge Porter, his speech was forcible, comprehensive and skilful. It was just such a speech as a jury is least able to resist. Though the result of an intelligent contrivance, it was presented in a manner so natural and easy as to create the impression of spontaneous utterance based on truth and facts.

In the beginning of his speech Mr. Davidge had the palms of his hands together in front of his breast, his pose being like that of a minister in prayer. At times he would rest his hands on his hips and then smack them forcibly together. Occasionally he would extend his right hand in gesture, and then wipe his mouth with a white handkerchief. When Mr. Davidge said, "I will read the instructions of the Court for you," Judge Porter leaned over the table and whispered something to him concerning the

points he thought should be mentioned.

In the first part of his speech, referring to the charge as to the responsibility of Guiteau under the rulings of the Court, he termed him a depraved man who had the daring eye of the vulture combined with the heart of a wolf. For some time Guiteau devoted himself to writing, but when Mr. Davidge, who had spoken an hour, referred to his theocratic paper and his desire to have Secretary Blaine removed, Guiteau turned quickly and exclaimed, "Tell us something about William Winter Davis, your friend." This caused some commotion, and when silence was restored, Mr. Davidge proceeded to give a history of the crime, its origin and development, and the career of the prisoner before and subsequent to the act. More than

once he was pathetic both in his recitations and manner. The audience was unquestionably in accord with the speaker. There was a painful silence when Mr. Davidge, with bowed head and in a tone of voice indicating his feeling, said: "It is with a blush that I say the murder of our beloved chief would not have happened had the prisoner feared the law of the land, and you are called upon to give a verdict to the world that a man need not fear the law however much he may dread the just voice of the populace." There was something dramatic in this utterance, coming as it did upon the simple recitation of the deliberation with which Guiteau had planned and executed the act. Continuing his speech, Mr. Davidge feelingly depicted the awe which fell upon the accused when he turned from the commission of the horrible deed, as he realized the lone weakness and tenderness of the pale, sick wife. This delineation, acute, beautiful and touching, had no perceptible effect upon Guiteau, who continued to read a newspaper; but he was agitated when Mr. Davidge, in reading his address to the American people, dwelt upon the passage where he said the Republican party could not carry ten Northern States, or even New York. "That's true," shouted Guiteau, who was somewhat interested in the reading of his address by the attorney. "If so, it will hang you," said Mr. Davidge. "You said that for money," replied Guiteau, who thereby attracted attention and caused a titter. Mr. Davidge was quite impressive and chained the attention of the audience in concluding his remarks upon the rational conduct of Guiteau to seek safety in jail and have a trial in court. In a heightened tone of voice he said: "What is a mob? A mob is simply the outward expression of our best passions. I am not a mob man, yet I never knew a mob but what had behind it the action of the highest and most elevated forms of human passion." The jury evidenced unusual interest.

Mr. Davidge, without excitement or betraying any passion, repeated from Guiteau's testimony, "As I wanted him to go easy I shot him several times." With an expression

of horror he muttered :- "My God! did you ever hear of such depravity?" His description of the murder, the fury of the populace, Guiteau's dread and his protection by the military was exceedingly graphic. In concluding his speech upon this feature he said :- "Never has there been a moment in this or any other land, if the sense of right and justice had full sway, but what this wretch would have been torn in pieces." With an air of nonchalance Guiteau exclaimed, "You are windy, Davidge." Mr. Davidge having spoken two hours the Court, at twelve o'clock, took a recess for one hour. In the meantime the crowd did not leave the court room. It was the general desire to hear the conclusion of the speech. When Mr. Davidge quoted the words of Macbeth as he made his way to Duncan's chambers, comparing the prisoner to that tragic character, Rossi smiled and nodded his head. Soon after the recess was taken he took occasion to congratulate Mr. Davidge upon the elocutionary excellence and the elegant style in which he rendered those thrilling words. "That was a grand act, a mighty oration, worthy the stage and the admiration of all," remarked Signor Rossi to the Herald reporter. Mr. Davidge in the afternoon had spoken half an hour or more before Guiteau made an interruption. This was done when the advocate alluded to the witness, Mr. Ammerline, of Williamsport, Pa., who had brought his bank book in court, showing a credit in his favor of \$3,000. Guiteau exultingly declared that this was more money than Mr. Davidge had seen for a long time. The speaker paid no attention to this, but referred to the nature of the testimony, saying his poor sister, a woman deserving of pity and sympathy, was put on the stand. Mrs. Scoville, who was writing, glanced at Mr. Davidge and murmured something to her brother. When Mr. Davidge alluded to the prisoner's claims as a madman, Guiteau indignantly exclaimed:-"I have never claimed to be a madman since the 2d of July!" Mr. Davidge, who turned and pointed his arm as if in surprise, said to the jury, "Hear that! Hear that!" The prisoner, who was now writing, remained

quiet. Mr. Davidge criticised Mr. Reed's visit to the jail, and declared the testimony was contrived. This reflection upon himself incensed Guiteau, who in a tremulous voice admonished Mr. Davidge to "go slower on Mr. Reed." He several times repeated this, declaring that Mr. Reed would "tear him to pieces." Among the more characteristic features of the speech was the sentiment which Mr. Davidge so strenuously uttered:—"I wish in the future, when this man has met his doom, that no human being can say there is any doubt as to his guilt or the propriety of his

punishment."

At eight minutes to three o'clock Guiteau threw his pen aside, and, folding the manuscript on the dock railing, exclaimed :- "I have just finished my speech. It may be a month before I get a chance to deliver it." He referred to the speech he intends to make in this case. At three o'clock Mr. Davidge, who though somewhat indisposed, had spoken four hours, paused. Thereupon Judge Porter, looking at the clock, asked that the Court adjourn. Judge Cox said the Court would sit an hour longer, as he had determined to hold until four o'clock every day. Judge Porter quickly arose and with a graceful gesture of his hand emphatically said, "I think the Government should be heard. I have no hesitation in saving that the counsel for the defence should also be heard, and at a time when the jury and the attorneys are not worn out." This statement was followed by the laughable words of Guiteau, "Davidge says he will speak but two hours. He will speak two weeks if he gets a chance." Mr. Davidge, who does not relish Guiteau's comments, replied, "But I will finish it." As Mr. Davidge, who was evidently tired, sat down, Judge Cox asked some information as to Guiteau's speech. The prisoner with delight exclaimed, "I desire to close this case, would not trust the best man in America with it." Judge Cox informed Mr. Scoville that he must revise the speech so as to except everything of an offensive or irrelevant nature.

Mr. Corkhill objected to Guiteau's speaking at the bar

and the prisoner yelled "Arthur will take care of me!" Mr. Scoville declined the duty which Judge Cox suggested on the ground that he did not desire to prepare a speech for the prisoner. This aroused Mr. Corkhill, who, in an indignant manner, protested against the continuation of the farce, and reflected upon Judge Cox in his management of this trial, declaring that for three months he had endured abuse such as was never heard in any court. Mr. Corkhill was quite excited, as was evidenced by his language and the way in which he struck the table as he concluded his protest with the words that the prisoner should not leave the dock until after the verdict of the jury. The emphatic utterances of Mr. Corkhill elicited applause, which was suppressed only by the intervention of the officers. There was a good deal of excitement, for Mr. Corkhill not only broadly imputed to Judge Cox a reprehensible leniency, but directly charged Mr. Reed with visiting Guiteau in his cell and advising him how to compose his speech and how to play the part of a lunatic. Mr. Reed pronounced this false, and Mr. Corkhill justified his charge by saying he had seen the statement in a newspaper. Guiteau, doubtless thinking that he was to be denied the privilege of speaking, became so enraged from mortified vanity that two officers had to stand by him. At no time during the trial has he been more enraged. Striking his hands on the dock railing he shrieked out something about the Lord cursing the attorney and concluded as follows :- "It's a gag law. The American people will read my speech. Millions of people will read it. It will go all over the world, for I will put it in the Herald. Do you hear that? It will make eight columns in the Herald. It reads like an oration of Cicero and will go thundering down the ages." When he finished this sentence Mr. Scoville complained of the Court refusing a man on trial for his life an hour or two to make a speech, although the prosecution argued he was sane. Mr. Corkhill interrupted him with the information that such a practice had never been allowed in the courts of the District of Columbia. Mr. Scoville replied that it was time such was

allowed, and in concluding his remarks repeated Mr. Corkhill's words, and added, "shall be driven from the court room to the gallows without the privilege of saying a word." This also elicited applause, and when the bailiffs restored order Judge Cox said he would permit the prisoner to speak if he had any assurance that he would conduct himself as any other man would—that is to say, decently. The Court adjourned with this announcement, and Mrs. Scoville burst into tears. She bowed her head on the table and her brother tried to console her. Several kindhearted ladies came to her and offered words of sympathy. Mrs. Scoville, still weeping, was conducted from the court room to the Marshal's private office. The great crowd that thronged the portico and covered the space from the arcade to the van uttered derisive yells as Guiteau was brought out. As soon as the door of the van was locked the driver sped his team away to the jail, a guard of mounted policemen going with the vehicle.

The reporters of the Associated Press thus describe the

scene in the court room on that Thursday:

At ten o'clock the jury entered, and a few moments later the Court was called to order. Mr. Davidge then took a position in front of the jury, and opened his argument with a disclaimer of any intention to make a set speech, but expressed his simple desire to render the jury what aid he could in their present and solomn duty. The time has now come in this trial, he said, when the jury were to become factors.

Whatever disorder or levity might have characterized the trial there was but one sentiment in respect of the conduct of the jury. All commended their dignified deportment and close and painful attention to the evidence, and he could not doubt that, as they had received the commendation of all in the past, they would continue to deserve it in the future by their decision of the ques-

tion before them.

There is here, gentlemen (he continued), but a single point for discussion and consideration—the subject of insanity. The Court will tell you that in this land of law it is not allowable for a man coldly and deliberately and treacherously to slay another and then to say he had no malice. The Court will tell you, when it comes to charge you, that to constitute the crime of murder the existence of malice is wholly unnecessary, and that, indeed, the crime committed is infinitely worse in the absence of that element than if it was present. In the beginning of the trial (as you will

all recollect) an ineffectual attempt was made in the direction of showing that the death of the President was attributable to the malpractice of the surgeons who attended him with so much fidelity and ability. That attempt was short lived, however, and was very speedily abandoned, so that there is now but a single question for you to determine, and that is the question of insan-In the progress of the trial very many vague and general expressions have crept into the cause. We have heard of crazy men, or men off their balance, of insane men, and hence it was necessary to apply to the Court for a clear and perspicuous delinition as to what is insanity in a legal sense. The medical experts have defined insanity from the standpoint of medicine, and it was necessary to have it defined from the standpoint of law. Even if a man be deficient in intelligence it does not follow that he shall be permitted to commit murder with impunity. It takes one degree of intelligence for a man to make a contract, another to make a will, and another to do any other act. But when you come to crime, such a crime as we have here, murder-"murder most foul and unnatural "-the law requires a very slight degree of intelligence indeed.

The Court has spoken, and it has not spoken in any vague or ambiguous language. It has laid down two instructions for your

guidance.

The great officers of the government reside here. The great heads of parties live here, the great public functionaries connected with the executive departments reside here, and is it too much to say that, in this great metropolis of the country, where political passion is perhaps more likely to culminate than elsewhere, any human being who slavs another can be held to the degree of responsibility defined by the Court? My learned brethren on the other side do not assert that this man did not know what he was doing. They have not the hardihood to deny They do not assert that he did not know that the bullet propelled from that pistol and entering the body of a human being would produce death. The defence is twofold. Mr. Scoville says that the intelligence of this man was of such a low order that he did not know that it was wrong for him to commit the murder. The prisoner supplemented that assertion with another equally false, and he acted wisely. He said he was no fool, and we all know he was no fool. He knew perfectly well that no defence could stand before this or any other jury resting on the foundation of his counsel, Scoville, so he supplemented it with another to the effect that he had the degree of intelligence required by law, but that he acted under an insane delusion, the product of disease; that he was commanded by Almighty God to slav the President of the United States. He says that in consequence of this pressure from above he perpetrated this vile deed. Scoville acted for the best and did all that could be done, though Heaven knows that all was not much, but that was the fault not of him, but of the material that he had to use. I have no doubt

that Scoville did his best, but in this case the shrewdness and intelligence of this prisoner showed a full appreciation of the situation. He knew that it was impossible to run the gauntlet of this trial as an imbecile, but that he would be stripped both in respect of his intellectual and moral character. Then he had his choicest invention—the so-called inspiration. I have said it was murder. It is more than murder. It is murder of the head of the nation—the magistrate of 50,000,000 of people. It is said that there is a divinity that doth hedge in a king. We have no king, but we have a republic presided over by a President, who, without royal robes or trappings, would inspire respect equal to that inspired by king or kaiser. That is the crime-a political crime —the murder of the head of a great republic. This man (the slain) was great in council, great in the field, endeared to the hearts and affections of the people. It has been said here that the murder of one man is as the murder of another man. It is so in point of law. It is so in respect of the indictment. when you are called on to pass upon the great question whether the defendant is to be shielded from punishment on the ground of want of intelligence it becomes of the utmost importance to know exactly who it was whose life was taken. A man may not have intelligence enough to be responsible for a lesser crime, but it is hard-it is very hard-to conceive of an individual with any degree of intelligence at all incapable of knowing that the head of a great constitutional republic is not to be treacherously shot down like a dog. That is the victim.

I have told you the crime. I have told you the victim. Now, who is the prisoner? In the beginning we did not know who he was. We could not have entertained a very good opinion of him. In the beginning (but for a little while) he passed quite current as an imbecile—a fool. He has since been uncovered. Indeed, he readily uncovered himself. He went on the stand. that nobody any longer doubted the degree of intelligence of this man. After that nobody doubted that he knew the act that he was committing, and that he had intelligence enough to know that the act was wrong. What has been shown about the prisoner? It has been shown that this man, who has been represented to you in Mr. Scoville's opening speech as weak, incapable of talking coherently, imbecile, is a man, one of the vilest of the human race, of gigantic schemes, all his life showing a tendency in the direction of schemes that would startle the ordinary mind. As a mere boy, entering the Oneida Community, he wallowed in the filth of that association for six years -a lawless enterprise—leaving it to establish a paper in New York called the Theocrat, which was to overturn all religions, all churches, and all governments. Then he embarked in the Inter-Ocean enterprise, of which you have heard so much. He was a man prone to all those great and daring undertakings that are so fascinating to those who possess the profound love of notoriety which distinguishes so lamentably this prisoner. He is no longer a fool, an

imbecile. But on the other hand, gentlemen of the jury, he is a man of most depraved moral nature, it is true; but in respect of his intelligence it cannot be doubted that he is a man of uncommon ability. Nor can it be doubted that he possesses the nerve and resolution to execute as well as the mind to conceive. If I were to sum up the moral and intellectual qualities of this man I would say that he had the daring eye of the vulture combined with the heart of the wolf. Such is the crime, such is the victim, such is the slayer. It is a very strange coincidence that this great and good man, among the foremost not only of his countrymen, but of the world, should by some mysterious dispensation be brought in contact with this low, vile, wicked man in the re-

lation of slayer and slain. And yet it is so.

Mr. Davidge then took up the history of the case, beginning with the prisoner's coming to Washington in pursuit of the Paris consulship, and coming down to the 16th of May (when after being ordered by Mr. Blaine never to speak to him again about the Paris consulship) this man lay in bed canvassing in his own mind what would be more for his interest. The thought then flashed across his mind, Mr. Davidge continued, that the death of the President would solve all the difficulties in the Republican party. It seldom happens in respect of crime that you ever see the germ of it. We watch its baleful fires shooting out from time to time. We see the effect of it, but how rarely does it happen that we have the initial point, where the devil enters a human soul and suggests the propriety of committing an act of wickedness. He was in bed. Now look at the political situation. Two warring factions and a little of political life—a little life between one of these warring factions and power! What a thin partition it was! The idea occurred to this man, why should I not extinguish that little life? Why should I not batter down that partition and make myself the great benefactor of the stalwart element of the Republican party? Hell-born, awful, I admit, but, before God, That was the conception of that night as he lay upon his couch. Daring, indescribably daring, but not more daring than other enterprises that have entered into the deprayed and wicked heart of this man! Not more daring than the Oneida Community, not more daring than the scheme of establishing this paper in New York to represent the Deity, and he (this devil in the box) to represent the paper.

Here the prisoner broke out for the first time to-day and shouted: "Tell us something about William Winter Davis, a

friend of yours."

Mr. Davidge (continuing)—He tells us when the conception came. It came, gentlemen, in the night, for I do not think that in the sunshine such an idea could enter the soul even of this wretch.

The Prisoner—It came when the Lord called for it.

Mr. Davidge—It came in darkness, in gloom. It occurred to very many at that time (though not in connection with crime)

that a little lamp being put out, a little life being extinguished, the faction that was in would be out, and the faction that was out would be in. While many apprehended the situation, I hope that no other man in this land or in any other land associated that situation with crime to be committed by him. The next day it occurred to him again, and he went on from day to day, and absolutely devoted two weeks to the constant contemplation of this new scheme. For two weeks he carried in his breast this viper. He lay with it at night, he ate with it, he drank with it, he moved about among men with it. He lived and moved and had his being with that awful sin his constant companion. He kept it to himself. He dared not run the risk of divulging it to the party to be benefited, for he felt that he would receive their reprobation. He carried it, he nursed, he dallied with it for two weeks. It occurred to him on the night of the 16th of May. He went along canvassing (as only the devil can) the pros and cons of this wicked thing until it came to the 23d, his mind not even wholly made up. It is perfectly apparent, though, that Satan had made an entrance into his sonl and was encamped there. But whether Satan would win or whether there would be in this man enough sense of duty to resist did not appear. On the 23d of May he felt that it would perhaps be better for him to forego this wicked scheme. He said to himself, "Perhaps I can get this office, and if I can how much better it would be to keep my hands clean," He made another effort on the 23d of May with a view of getting that office.

The Prisoner—I would not have taken a Cabinet position after

the 1st of June. Put that down.

Mr. Davidge-On the 23d of May-

The Prisoner—I am talking about the 1st of June.

Mr. Davidge-Listen to this-

The Prisoner (violently - Listen to you! Why your talk is so

weak that it is hardly worth listening to.

Mr. Davidge—Listen to this letter, which this man wrote to General Garfield on the 23d of May Mr. Davidge here read to the jury the letter in question, in which the prisoner spoke of Mr. Blaine as being a vindictive politician and the evil genius of the President, and said: "You ought to demand his immediate resignation, otherwise you and the Republican party will come to grief."

Mr. Davidge continued—Does not every man know that when he wrote that letter he was agitating in his own unind the subject of secret assassination? This devil was chained to the stake. He got no answer to the letter. It made no particular impression at the time; but subsequent events have thrown a lurid light upon it. He goes on considering this fearful subject.

The Prisoner—I was praying about it, to find out the Deity's will. I was praying for two weeks prior to the 1st of July.

Mr. Davidge—I will give him the benefit of his prayers.

The Prisoner (insolently)—If you prayed more you would be a better man.

Mr. Davidge—I would not deny this man one jot or tittle of evidence or argument to which he is fairly entitled. I will come afterward to his theory that it was inspiration. He shall have the full benefit of it, and I will show that superadded to the worst offences that has ever stained the annals of the world he has committed the most outrageous and wicked and infamous blasphemy in attributing it to the Divinity. He went on balancing, this man without intelligence, but who had intelligence enough to stop as this terrible flower was unfolding its petals; intelligent enough to stop to give his victim a chance. He got no reply and on the 1st of June he made up his mind that he would put out that little light, which no man in the world could ever relight—the light of life. He made up his mind that he would break down this partition, and his conclusion was, "If I do that I will have heaped such benefits on the stalwart faction that it

must take care of me."

Mr. Davidge then went on to refer to the purchase of the pistol. the fact of the prisoner's practising by the river side and to his dogging of the President. Referring to his visit to Mr. Garfield's church, Mr. Davidge spoke of it as a very simple church, and said that Mr. Garfield manifested the same tendency for worship in a simple form that was very apt to accompany the largest intellect-The prisoner (he said) skulked ual and moral endowments. round to the side window, looked through, saw the President. and considered in his own mind that the house of God would be a convenient place for the perpetration of murder. He contemplated the propriety of turning the house of God into a house of slaughter, of spilling blood, as it were, on the very altar of the great God of us all. He was armed that day. Whether he went there to shoot his victim or whether it was a mere tour of observation is uncertain. Referring to the prisoner's visit to the jail and to his apprehension of the mob Mr. Davidge said:—He did not fear you or the ministers of the law. He thought-"I will break through the meshes of the law as if they were so many threads, but I fear that terrible thing, the mob." It is enough to make an American blush that any man in this land can reach the point of fearing the mob and defying the law, while he ought to fear, the law of the land and defy the mob, and yet, if this wretch had entertained the same fear of punishment through the regular instrumentalities of the law of his country, the murdered President would be alive now. I blush to make the acknowledgment, but it is so. We must confess, with shame, that the death of our head and chief would not have happened if the assassin had feared the law of the land as he should have feared it.

The Prisoner—It would not have made any difference. I had

no choice.

Mr. Davidge—And you, gentlemen of the jury, are called upon by the defence to state to the world by your verdict that a man about to commit crime need not fear the law however much he may fear the spirit of the populace. Referring to the statement that the prisoner had attempted to kill the President two weeks prior to the time of the shooting and had been deterred by the presence of Mrs. Garfield, Mr. Davidge remarked that the only thing, so far as he knew, that could be said in favor of the man was that at the sight of a woman his heart failed him. He could not shoot the President in the presence of so much weakness and love and tenderness.

The prisoner at this point looked up from his paper and cried:—"You and Porter would not be on this case to-day if General Arthur knew as much about it in October as he does now. You are after a big fee, that is what you want here."

Mr. Davidge then proceeded to quote from the tragedy of

"Macbeth" the lines setting forth that Duncan

Hath borne his faculties so meek, hath been So clear in his great office, that his virtues Will plead, like angels trumpet-tongued, against The deep damnation of his taking off; And pity, like a naked new born babe, Striding the blast, or heaven's cherubim, hors'd Upon the sightless couriers of the air, Shall blow the horrid deed in every eye, That tears shall drown the wind.

As Mr. Davidge recited these lines, the tragedian Rossi, who occupied a seat at the government table, nodded approvingly.

Let us hope (continued Mr. Davidge) that a similar sentiment to that attributed by the great master of moral nature to Macbeth stirred, to some extent, the heart of this devil. If it did,

however, it did not last long.

Mr. Davidge then described the efforts of Guiteau to nerve himself up to the act. This lunatic had to screw up as with a jackscrew "his courage to the sticking point." He fired, continued Mr. Davidge, at the back of your chief and my chief. He fired at the back of that man, from his British bulldog pistol, the bullet that went clear through the spine. "The falcon, towering in his pride of place, was, by a mousing owl, hawked at and killed." This gentle, kindly, illustrious chief, who had bared his breast to the bullets of the enemy, lived to die by a bullet fired treacherously into his back. The prisoner was afraid of the mob. What is a mob? It is simply the outward expression of the passion and sentiment of the people. I am no mob man, but I never yet knew the mob, however much to be apprehended, that had not behind it the highest form of human passion and human sentiment.

The Prisoner—I went to jail to protect myself until I had a hearing. I am getting a hearing now, and the people are satisfied.

There never was a time (continued Mr. Davidge) when, if the sentiment of this country and of other civilized countries had given full vent it would have torn this wretch into shreds and atoms.

He claimed that he had established beyond controversy the sanity of the prisoner. He claimed to have established such sanity by the consideration which the prisoner had shown for Mrs. Garfield, by his preparations for the execution of the crime, by the execution itself and by the measures adopted by the prisoner himself to secure his personal safety, first in respect of the mob and next in respect of the tribunal of justice by the inter-

position of the defence of insanity.

It seemed to him almost a mockery to discuss the question of insanity in respect of the prisoner, but he wished that in the future when this man had met his doom, no human being should be able to say that there was any question in respect of his guilt or of the propriety of the punishment inflicted upon him. He would make it abundantly clear before he got through that not only was the defence of insanity not true and not sustained by evidence, but that it was a dishonest and fabricated defence. If the prisoner had been over good instead of over wicked, or if God had blessed his efforts in the direction of virtue, and if the prisoner had died, leaving an immense property to his relatives, none of them would have thought of attributing insanity to him. It had only been set up for the honor of the name and to shield the family.

Here the prisoner broke out with the exclamation that he had been a square man all his lifetime and a virtuous man for six or

seven years.

Mr. Davidge went on to say that while a man may have been off his balance sometimes it very rarely happened that such rubbish was presented where the iron rule was applied as to whether the man knew the difference between right and wrong. This man unquestionably did. Even Dr. Spitzka, who thought that the prisoner might have a taint from a collateral source, had declared three times on cross-examination that whether this man was affected with disease of the mind or not, he had reason and reflection enough at the time of the commission of the act to discriminate between right and wrong. Commenting upon the peculiarities of Luther W. Guiteau, the prisoner's father, he said that nobody would assert that there was anything about this old man except what was good. He had been simply mistaken—as all men were liable to be mistaken—in regard to religious belief.

Referring to the prisoner's life in the Oneida Community he was interrupted by the prisoner, who shouted out, "That is false. While I was there I was as pure as you are, and purer perhaps. I went there to save my soul, not for lust. Put that down.

Davidge : do not forget it."

Mr. Davidge went on to review the evidence of witnesses for the defence, including that of Charles H. Reed, associate counsel for the prisoner, and who had indubitably recommended him for admission to the bar. Mr. Reed had testified to an interview with the prisoner shortly before the assassination and had described him as being a little off his balance; but was it remarkable he asked, that a man carrying a frightful design of this sort about him should be off his balance?

"You had better leave Reed alone, Davidge (the prisoner broke

in), he is a bad man for you."

Mr. Davidge went on to comment on the fact that in the jail the prisoner was quiet and well behaved—("a better man than you, Davidge," again broke in the prisoner)—the exception being that when a man went there who was to become a witness in the case the prisoner found it convenient, in view of the exigencies of the case, to appear to be a madman.

The prisoner—"I never appeared to be a madman. I never claimed to be any more insane than you are. I never have been

since the 2d of July last.

Mr. Davidge-Hear that and contrast it with what has passed

here under your eyes week after week.

In the course of further argument Mr. Davidge alluded to the prisoner's wonderful memory, saying that he had a memory of brass, of which metal his other qualities seemed also to be composed.

The Prisoner—That is the first pun you have made to-day,

Davidge; you had better repeat it.

In another part of his argument, where he spoke of the prisoner as the greatest criminal on earth, the prisoner again broke out, "The greatest patriot on earth is the proper word for you to use, sir,"

Further on again the prisoner broke out, "You do not believe a word of that, Davidge; you are only talking for money. You had better let Mr. Reed alone, or you will have a hard time of it;

vou will be sick all day when he gets after you."

Mr. Davidge continued:—Here was a human being moving and living on this earth—a man of very fair education, a member of a church, a member of the Young Men's Christian Association. He seemed to apprehend fully the advantage of connecting himself with bodies of men. He was a lawyer, a lecturer, a writer of newspaper articles. He was a man who did all those things which ordinary men are in the habit of doing, and very many things which ordinary men, or extraordinary men, would not do. He was like any other man from 1868 to 1877, but no evidence has been offered by the defence covering that period of time. Why was that? It was because the case was simply a lie, because the defence was simply an unmitigated falsehood.

Mr. Davidge proceeded to analyse the testimony connected with the prisoner's attempt to deliver a lecture in the Paine Memorial Hall at Boston; also that in connection with the prisoner's dropping a little dog over the stairway at Mr. Scoville's summer house; also as to the opinions expressed by some witnesses that the prisoner was crazy or was a fool; and he asked whether a man was to be excused for crime, and such a crime because somebody thought him a fool or crazy? He presumed that there were twenty men in the city of Washington who could testify of himself (Mr. Davidge) as to acts of eccentricity, queerness, thoughtlessness, the expression of peculiar views (either seriously or from a sense of humor); and did it follow that either he or any one else of whom that may be said was to enjoy immunity from either civil or criminal responsibility? Then he came to what he called the

family branch of the testimony, referring to the raising of the axe by the prisoner upon Mrs. Scoville and connecting that with the prisoner once striking his father on the back. A more uniform life had never come under his observation. Its last crowning and culminating act of wickedness was but the verification of what the Scripture says:—" As thou sowest so shalt thou reap."

"I did not know you ever read the Bible, Davidge," the prisoner said; and soon after he exclaimed:—"I have just finished my speech, but at the rate that Davidge is talking I do not think I

will get a chance to deliver it."

At this point of the argument Mr. Porter, at three o'clock, proposed an adjournment.

Judge Cox intimated that he would prefer sitting till

four o'clock.

The District Attorney remarked that Mr. Davidge was

not in good health and was exhausted.

The Prisoner—Davidge said he would speak for two or three hours, but at the rate he is going on he will speak for two weeks.

Judge Cox inquired of Mr. Scoville as to the prisoner addressing the jury, saying that he would have no objection if the prisoner would only confine himself to an argument on the case.

Mr. Scoville—He has indicated that desire. I have not talked with him about it except as to the time he would speak. We supposed that that ought to be left to the Court.

The Prisoner—I desire to close this case on my own behalf. I would not trust the best man in America to close it for me.

Judge Cox—I would not have any objection to hearing the prisoner if he would confine himself to an argument on the evidence.

The Prisoner—That is all I desire.

Judge Cox—If his speech be written out and submitted to you, and you expurgate it, I have no objection to his being heard.

Mr. Scoville—I think that perhaps the difficulty might be obviated by the Court stopping him if he did not keep

within proper limits.

The Prisoner-There will be no personalities in my

speech. It will be all on the law and facts.

The District Attorney—I hope Your Honor will not take the prisoner out of the dock and put him at the bar again until this trial is over. He is ably represented here by counsel, and if he has any special views which he desires to present, let him present them through his counsel.

"I am here as my own counsel," the prisoner inter-

posed.

The District Attorney (continuing)—I do not want this trial burdened with the appearance again of this man at the counsel table——

The Prisoner (again interrupting)—General Arthur will

take care of you, Corkhill.

The District Attorney (concluding his sentence)—And for him to speak from the dock would be a disgrace.

Mr. Davidge-There is no precedent for anything of the

kind.

Mr. Scoville—I suppose that it is competent for the Court to allow three speeches on each side. I don't think there is any precedent against allowing the prisoner to make a speech on his own behalf if he desires. Neither Mr. Reed nor myself desire it.

The District Attorney—Then that settles it.

Mr. Scoville (petulantly)—No, sir, it does not settle it.

The District Attorney—By the liberty which has been granted this prisoner he has degraded the administration of justice.

The Prisoner—That is absolutely false.

Mr. Scoville—The prisoner has asked the privilege of addressing the jury on his own behalf at the conclusion of this case. The only question, it seems to me, is whether the Court will allow three speeches on each side. Of course, if the prisoner did not confine himself in his remarks to the evidence it will be competent for the Court to stop him. He would be compelled to stop just precisely as connsel is. That is my understanding of it.

The Prisoner (approvingly)—And that is mine.

Mr. Scoville—So far as examining his speech is concerned I would be glad to do that in connection with my associate, but at the same time I don't want to revise and make up a speech for him. I prefer that if he is to speak at all he shall be left alone, and if he transgresses bounds let him be stopped. So far as the number of speeches is concerned (and if that be the objection), I have no objection

to the District Attorney answering the prisoner.

The District Attorney (ironically)—Thank you. Then he added, addressing the Court with great earnestness of manner: I do not want this thing to pass without an earnest protest. I supposed that when it came to this point we would find Mr. Scoville doing just what he is now doingsaying that he does not desire the prisoner to speak, and yet urging Your Honor to allow him to speak. The prisoner has no right to speak; no right known to the constitution and the law.

"I am here as my own counsel," said the prisoner in a snarling manner, "and I have a right to speak."

The District Attorney—He has already by his conduct here disgraced the administration of justice. Under such rule and governance as Your Honor has been able to apply, Your Honor has been unable to keep him quiet. If he be allowed to speak it will be only another exhibition of his character, a prepared exhibition; for, as it is stated in the papers this morning, he has been advising with his counsel in the jail as to what he should say and as to how he should act. If that be so, it is time that this mockery should end; and (with great emphasis) that man never leaves the dock with the permission of the counsel for the government until he leaves it after a verdict from the jury. (Applause in the court room and an exclamation from the prisoner, "General Arthur is a bigger man than you, Corkhill, and you will have to go.")

The District Attorney-I am not here to say a word to deprive this man of any rights he may have, but I and the other counsel for the prosecution (men who are known to and respected by the country) have had to stand his clamor and abuse and vituperation, such a thing as was never known before in any court. We have been silent under it for two months; but I will not sit by and allow the Court to take that man from the dock and place him at the counsel table. He shall never come here again with the permission of the counsel for the government. If he comes he will come in the face of our earnest protest. He has no such right, and the Court ought not to grant it to him. He has counsel here, and I ask that this matter shall be settled here now and finally.

The Prisoner—I am here as my own counsel, and have been from the start. You cannot stop me. The law of

every State in the Union gives me that right.

Mr. Reed—I have no suggestion to make as to the disposal of the question whether the defendant should be allowed to make a speech. All that I have risen to say is that the insinuations of the District Attorney that Mr. Scoville or myself—(I can speak certainly for myself and I believe I can speak also for Mr. Scoville)—counselled in any manner with the prisoner about his speech is absolutely false.

The Prisoner-Scoville can say the same.

The District Attorney-I am very glad to hear it.

Mr. Reed—I have no more idea about what he is going to say than a man in Africa.

Mr. Scoville—I have not seen him at all in reference to his speech and I don't know its contents.

The Prisoner—That is true.

The District Attorney-I made the remark because I

saw the statement in the papers this morning.

Mr. Reed—I was at the jail yesterday. The prisoner asked me to go and see him and I went. If I had not gone I would be unworthy of defending him, but I did not talk about his speech. He showed me a large roll of paper and said it was his speech, but I did not read a word of it and he did not tell me a word of it.

The Prisoner—Nor any human being. I am here as my

own counsel and I insist that when my life is at stake I

have a right to address the jury in my own behalf.

Judge Cox—I suggest that counsel for the defence shall between now and to-morrow examine his speech and see if there are any views in it that ought to be presented. If so they can be presented by counsel better than by the prisoner.

Mr. Reed-Whatever I can do to relieve the situation

of any embarrassment I will most willingly do.

Mr. Scoville—Is Your Honor going to decide this question now?

The Prisoner (interrupting)—The American people will read the speech, and they are greater than this Court and jury. Do not forget that, Mr. Court and Mr. Jurymen! The American people are trying this case, and will, I think, do me justice. The American people will get my speech from the Herald. It will make about eight columns of the Herald. It reads like an oration of Cicero's. It will go thundering down the ages.

Mr. Scoville—Whether the prisoner is to be permitted to address the jury in his own behalf or not, is a matter (I take it) for the Court and not for the District Attorney to

decide.

The Prisoner—Arthur will take care of that man, Corkhill. He has been an unmitigated nuisance in this case from the start.

Mr. Scoville—I don't think it right for counsel for the government to make a request in regard to the matter, which is rather in the form of a command to the Court. If it be true that this prisoner is a sane man, as is assumed by the prosecution, they certainly ought not to prevent his trying to speak to the jury in his own behalf.

The District Attorney-Such a thing was never done by

a prisoner in this court.

Mr. Scoville—Then it was time it was done. If a man on trial for his life asks the small privilege of speaking for one or two hours to the jury at the close of a two months' trial the privilege should not be denied to him. If it

never has been done in an American court it is time that it was done.

The Prisoner—I say so, and the American people will say so.

Mr. Scoville—A man should not be, under such pressure as exists in this case, driven from the court room to the gallows without the privilege of saying a word in his own behalf—(manifestations of approval throughout the court room)—and now, since the spirit that has been manifested by the prosecution, I ask Your Honor as a privilege—

The District Attorney (sneeringly)—I knew you would.

Mr. Scoville (continuing) And also a right—(same remark from the District Attorney)—that this man shall have the opportunity of speaking to the jury in his own behalf, so long and only so long as he confines himself to the case, as any other counsel should.

The Prisoner—That is what I propose to do. The speech is all on the law and facts—not a word of per-

sonalities in it.

Judge Cox—I would have no objection to the prisoner's being heard if he would conduct himself as any other man or counsel would in conformity to the rules of propriety and decency.

Mr. Porter—Does Your Honor propose that he shall

speak from the counsel table or from the dock?

Judge Cox—I do not propose anything as yet. But I was going to say that the prisoner has so abused his privileges heretofore that I do not anticipate that he will confine himself to the rules of propriety.

The Prisoner—That is because I have been abused. I had to defend myself. I could not lie down and allow

these men to trample on me.

On Friday Mr. Davidge continued his argument before the jury. As soon as Guiteau's manacles were removed he excitedly apologized for his criticism upon Mr. Davidge, who, as he had learned since the adjourning of the Court, was a gentleman and a high-toned Christian lawyer.

Mr. Davidge, who did not catch the words of Guiteau, asked a neighboring lawyer what the prisoner said. Being informed he smiled and at once resumed his speech to the jury. He spoke with great deliberation, recounting the testimony upon which the defence must rely, and passed over the testimony of Mr. Scoville, who at times ceased writing to hear him. Mr. Davidge next commented on the testimony of the prisoner's brother. Guiteau himself was absorbed in writing and seemed to take no interest in what Mr. Davidge was saying to the jury. The attorneys as well as the audience listened attentively to Mr. Davidge. Judge Porter, with his right hand in his bosom, leaned back in his chair. Mr. Corkhill sat with folded arms, his face indicating approval of the points presented by Mr. Davidge. Mr. Reed leaned over the table and now and then had a few words with Mr. Scoville, who took notes and was for a time examining the Bible.

Mr. Davidge in his address to the jury first referred to the question, whether the prisoner, at the time of the act, had intelligence enough to know that murder was against God's law and the law of the land, he analyzed the testimony of Dr. Rice, Mrs. Scoville, John W. Guiteau and others, as to the eccentricities of the prisoner. The only question on that point was whether the prisoner was so bereft of reason as to be incapable of understanding the nature of one of the most terrible crimes that a man can commit. He might comment upon the testimony of Mrs. Scoville with some degree of severity, but he was not capable of it. He recognized her relations to the prisoner. He knew that blood was thicker than water, and he therefore passed her testimony as he had passed it by when he declined to cross-examine her.

He proceeded, however, to analyze the testimony of John W. Guiteau. This witness was to the prisoner bone of his bone, with every possible inducement to shield the prisoner, so far as he could consistently do so with truth. He testified that the prisoner was so bereft of reason that he was actually unable to draw up a chattel mortgage. If that were a test of reason he (Mr. Davidge) could not pass it, for, after his long practice of the law, he would also have to ask guidance in the drawing up of a chattel mortgage in Richmond or New York. He quoted some of the answers of this witness in cross-examination; that he believed the prisoner's case was a case of demonism, that he was possessed of the devil, that before God he was responsible for his acts (which he called moral responsibility), because he believed that some time in his past life he made a choice to follow the

path of evil rather than of good. It was to be said, to the credit of this gentleman, that when insanity was imputed to his father, his uncle and other relatives, he rose in court and condemned the

course pursued by Mr. Scoville.

He read and commented upon the testimony of John W. Guiteau as to the quarrel between himself and the prisoner in the witness' office, in Boston, and brought out again with great effect the explanation given by the witness, in reply to Mr. Scoville, of what he meant by saying that his brother was possessed by the devil.

Poor Mrs. Scoville was made to say in a vague and general way that in her opinion he was insane, and John W. Guiteau reluctantly drew a picture which portrays this man in the dark features ascribed to him by the officers who here represent the government. This Guiteau family is a respectable family, a family of tone and character. They have made their mark wherever they have gone. The mistake committed by the family is in undertaking to protect and defend this man. All families are liable in the course of nature to produce bad men and wicked men, and bad women and wicked women, and the course—the Roman course—that this family ought to pursue would be to denounce this wretch as having sinned against law, against God, against nature itself, and offer him as a sacrifice on the altar of his country. That is the course for the family to take; hew off this rotten limb and throw it into the fire for destruction.

The Prisoner-That is all said for money.

Mr. Davidge characterized the evidence of the defence as vague and sloppy rubbish, but declared that some strange beams of light had filtered through the darkness in respect to the prisoner's moral nature. It had crept in incidentally that he had at the age of eighteen struck his father behind his back, and that at the age of thirty-five he had raised an axe against a woman, and that woman his sister, and that sister his hostess, whose hospitality he was enjoying at the time and whose bread he was eating.

The Prisoner—That is false.

Mr. Davidge (continuing)—And J. W. Guiteau opened the portals a little wider in respect to the moral character of this man.

The Prisoner—He is not my reference; I have bigger men than

he for reference.

Mr. Davidge—Right here the most remarkable incident of this trial took place. The prisoner was put upon the stand because the theory on which I have been commenting had absolutely broken down. What was the result? No man in this court room and no man out of this court room who read his testimony entertains any longer, if he entertained before, the slightest doubt in respect to the absolute sanity and responsibility of this man.

The Prisoner (egotistically)—Talk about brains! If you read some of the letters I get you would think I was the greatest man

of this age.

Mr. Davidge, in the course of his address, speaking incidentally of the horror, disgust and loathing with which the assassination of the President had been regarded by all Christendom, the prisoner exclaimed: "That was true in July, sir; but it is not true now. It is just the other way." So an allusion to the prisoner's lecturing for money brought out the denial: "That is I took to lecturing to serve the Lord." And a reference to Moody as a theologian led him to exclaim: "Moody was an evangelist and I was a theologian. There is no connection between the two offices." Referring to the testimony of Rev. Dr. MacArthur and to the incident of the prisoner's being supplied with money by his wife, who was then at service, the prisoner said: "That is false; she was never worth a cent." He also contradicted several other points in Dr. MacArthur's testimony, which led Mr. Davidge to say to the jury: "This rascal says he did not do this. Which do you believe—the man of God, the minister of the holy Gospel, or the prisoner in the dock?"

The prisoner again broke out: "Supposing I did and supposing I did not? It is nobody's business but my own. It has nothing

to do with this issue one way or the other."

Mr. Davidge went on in the further analysis of the testimony and said: "He was sane enough for all purposes. It is only when his hand is red, when his fingers are dripping with blood, and when the law claims him as a sacrifice on the altar of justice

that we first hear of insanity."

Referring to the incident of the prisoner polishing up an oroide watch and passing it on a Jew pawnbroker as gold, and taking back his card which he had first handed to the pawnbroker, and speaking of the deep cunning shown in the transaction, he was again interrupted by the prisoner, who said, sneeringly: "That proves your case, Davidge. You had better quit now and go home." Alluding to Shaw's testimony as to the conversation about Wilkes Booth and the assassination of Mr. Lincoln, Mr. Davidge said that the prisoner had the ambition of the youth who fired the Ephesian dome and who outlived in fame the pious fool who reared it.

This wretch, too (he said), was after immortality, and he had secured for himself an evil eminence and an evil immortality. Referring to the prisoner's *Inter-Ocean* scheme, Mr. Davidge

treated that as a proof of his sanity.

"Yes," said the prisoner, "they have been running that paper on my brains ever since, and they have got rich on it, too. The paper was not worth a cent until I put my brains into the con-

cern."

Mr. Davidge continued: What we have mainly to do with in that enterprise is the audacity of the undertaking. This crime is in keeping with the *Inter-Ocean* enterprise; in keeping with the Oneida Community; in keeping with the *Theocrat*; in keeping with the idea that he could "star" the country as a lecturer, because Moody and Sankey could do the same thing; in keeping

with the idea that Providence specially protected him when the Narragansett was burned on Long Island Sound; in keeping with the idea that he was led by inspiration to go to the Oneida Community; in keeping with the idea that the great God inspired him to leave that Community; in keeping with the grand idea that on this earth there is but one grand central figure, and that his name is Charles J. Guiteau.

"Thank you, sir," shouted the prisoner; "that is the best thing that you have ever said. That is what the American people are beginning to say, too. If you saw some of the letters that I am receiving you would say so, too. I am the brain of this business. I am running this thing here. And I say that, too,

without any egotism at all."

Mr. Davidge went on to quote from the prisoner's own testimony bearing on his so-called inspiration, prefacing it with the remark that it was erough to make a man's blood curdle. "At the end of two weeks (the prisoner had testified) my mind was thoroughly fixed as to the necessity of the President's removal and the divinity of the inspiration."

The Prisoner—Making up my mind was the result of my

prayers.

Mr. Davidge—He was making up his own mind and calling it an inspiration from God.

The Prisoner—Ah, you are talking for money, Davidge; everybody understands that. You do not believe a word of what you

are saying yourself.

Mr. Davidge—Let me go on. I will hang him by his own testimony. The doctors have all told you that an insane delusion does not come from within, but from without; that the insane person hears a voice or sees a spectral finger on the wall, but here you have the germ of crime within the mind of the man. You have the act originating within and not forced upon the party from without.

The Prisoner—That is a matter of fact for the jury to pass

upon.

Mr. Davidge went on to speak of the prisoner as a pretended apostle, as an impostor, who, in his long tour of lecturing, said he was imitating the self-sacrificing and virtuous Saviour of mankind.

"Yes, and I did," the prisoner shouted, "and you know it,

too, Davidge."

Was there ever such wickedness (continued Mr. Davidge) as that of this man contemplating murder and praying to the Divinity to interpose a miracle if He wished to prevent it?

"That is true," said the prisoner, "and if you prayed more it

would be better for you."

Mr. Davidge, in further quotation from the prisoner's testimony, came to his boast that he always stayed at first-class boarding-houses.

"Yes" (the prisoner interposed), "I am high-toned, Davidge.

I generally paid for my board, too. I always did when I had the money. That is more than Corkhill does when he has the money.

He does not pay anybody."

Mr. Davidge—Here is a man who thinks himself the equal of God Almighty, who adopted a criminal design suggested by his own mind to see if God would not stay the uplifted hand intent on the perpetration of murder.

The Prisoner—That is what Abraham did, too. There are

thirty-eight cases of that kind in the Bible.

Mr. Davidge—This man, when he felt himself possessed of this horrid thought, ought to have rushed into some sanctuary, rushed anywhere, and asked any one to take him and protect him against himself.

The Prisoner—That was not what Paul did. He conferred not with flesh and blood; and I never did. I made up my mind that the Deity inspired it, but you do not know anything about the Deity, Davidge. That is the trouble about you. He will probably know you, some of these days, down below.

In further quotation from the prisoner's testimony as to a violation of the municipal law, Mr. Davidge was again interrupted by the exclamation from the prisoner: "Suppose the letter of the law was broken! What of it? Look at those Mormons breaking the law every night. I send a message to President Arthur and to the American people to wipe out those Mormons."

Subsequently the prisoner, overhearing a whispered remark by Mr. Davidge to one of his associates that the extract handed him was not what he wanted, broke out again: "I thought you had lost your head, Davidge. You are having a big talk; you said you would speak for two hours and you have been speaking for two days. I suppose it will take you two weeks to get through."

Mr. Davidge then characterized the life of the prisoner as an audacious, unprincipled career, especially denouncing the idea of establishing the *Theocrat* as lawless and vile. The prisoner had proposed to destroy all churches and all order. He had proposed to establish the reign of the Deity and of that reign he was to be a manager. In the Inter-Ocean scheme there was displayed the same egotism, the same boundless egotism, the same love of notoriety.

After several ineffectual attempts to interrupt Mr. Davidge, the prisoner at last exclaimed in a loud tone, so as to drown the speaker's voice: "After Brooks' report Attorney General Mac-Veagh would not have anything to do with the case, because he was a Christian man and did not want to have the Deity down

on him."

Mr. Davidge (to the jury)—When I do not answer I don't want to be understood as giving any sanction to the falsehoods uttered here.

The Prisoner—Then confine yourself to the truth.

Mr. Davidge then quoted from the testimony of Mr. Reynolds, narrating his interview with the prisoner in the jail on the

14th of July. He dwelt particularly on the use by the prisoner of the word "assassination." This the prisoner denied, as Mr. Davidge was reading it, and said he had always spoken of it as a "removal," not an "assassination," When Mr. Davidge read the remark by the prisoner to the effect that Conkling and Grant and Logan and such men would make themselves known as his friends, the prisoner said, "Yes, and they are my friends to-day,"
The word "surveillance" occurring in the testimony, the pris-

oner said, sareastically: "That is a very sweet pronunciation.

Davidge; do that again."

Another quotation was: "I thought my friends would come to see me by hundreds." When that was read the prisoner added:

"Yes, and they are coming to-day, sir."

Another quotation was: "At the same time he appeared in great agony." "All that stuff is bosh," said the prisoner. In reference to his remark to Reynolds about the stalwarts going back on him, he said: "All that talk is the result of Reynolds, imagination." Again he said: "And I am astonished at it. say that with the President's death the Lord confirmed my act." At another point he interrupted to declare that "The mills of God grind slow but sure, and would take in Corkhill vet."

At the quotation that "General Arthur would treat the Blaine element with the utmost consideration," he asserted that such was the fact to-day, and upon Mr. Davidge further quoting the words, "Arthur will go slow on that," he expressed his opinion that Davidge was going slow enough himself.

In concluding his comments upon the testimony, Mr. Davidge said: Now, one word, and a very short word. I told you in the beginning that I did not come here to make a set speech; I told you that I came here to help as far as I could (and to help houestly) a jury of my country in the discharge of an important and solemn duty. I began my remarks without an exordium, and I close them without peroration, except to say to you that your countrymen and Christendom are waiting for your verdict. thank you, gentlemen, for the attention you have given me.

The Prisoner—And I thank you, Mr. Davidge. That is a very light speech. I hope Porter will go light, too. You had better see General Arthur, Mr. Porter, before you begin to talk. I

wrote him a note on this matter the other day.

The Court then, at five minutes past three o'clock, adjourned.

CHAPTER XXIII.

Argument for the Defence.—An Eloquent Appeal to the Jury by Mr. Reed.—The Assassin entitled to Acquittal, if the Jury should Doubt his Sanity.—The Testimony of Experts.—Guiteau a Lunatic.—Judge Cox Decides that the Accused should not be Permitted to make a set Speech to the Jury.

When Guiteau was brought into the court room on Saturday, the 14th day of January, he stopped a second to give a note to Mr. Reed, his attorney. As soon as he entered the dock he exclaimed:—

"I signed twenty-five checks yesterday made payable to my order representing \$15,000. I suppose that some of them are good. I do not wish any one to send checks that are not good. We have received two or three that are worthless. Let the people send good checks or none. I do my own banking business, and I want the checks payable to my order."

Mr. Scoville rose and stated that the defence would like to know to what conclusion the Court had arrived in respect to the prisoner addressing the jury. He called the Court's attention to the fact that a precedent for that could be found in the case of Harrington, a former United States

District Attorney for the District of Columbia.

Judge Cox stated that he had been informed that the prisoner was preparing an address to the jury. He would be loath in a capital case to deny any prisoner an opportunity to present a proper argument in his own behalf. But he was persuaded that any address from this prisoner would partake of the character of his former testimony and interruptions; that it would be a rehash of his testimony. No person had a right to do that. It would

be grossly improper to permit such testimony to go before the jury. He (the Court) would not make the experiment. The counsel for the defence might examine the prisoner's manuscript and, if they thought proper, read it to the jury.

The Prisoner (wildly)—I represent myself, and I take exception to that ruling. Let the record show that I appear as my own counsel, and I propose to address the jury. I say it is an outrage on American jurisprudence, and after I have been heard and my speech published Your Honor will see that it is. I have an encomium upon Your Honor in my address to the jury. I hope that it will not be necessary to withdraw it. If it is necessary Your Honor will go down to future ages with a black stain upon your name, and I tell you so to your face. I am here as my own counsel, and I want the Court to so understand it. The American people understand it. I would not trust the best man in America to close this case. I have got through now.

Mr. Reed then rose to address the jury on behalf of the prisoner. He commenced by paying a compliment to the jury for the seriousness, solemnity and care which had characterized it during this long trial—a trial unparalleled in the history of criminal jurisprudence. He should not endeavor to make any statement of the evidence or to draw a gilded picture of any scene, but he would simply talk with them as between neighbors. Mr. Davidge, counsel for the prosecution, had occupied two days in addressing the jury, and that effort and consumption of time on his part showed the grave apprehension felt by the prosecution lest something might have appeared in the case which would make the jury say that this poor man was a lunatic and irresponsible. No one connected with the defence, no friend of the prisoner (and he had two or three friends left on the face of the earth -

"Yes," the prisoner broke in, "and the American people are coming over solidly every day. Do not forget it."

-Would dispute or had disputed (Mr. Reed continued) the fact that he fired the fatal shot. The story could, therefore, have been told to the jury in ten minutes, and yet Mr. Davidge had occupied two days trying to convince the jury that when the prisoner fired the fatal shot reason was enthroned on her accustomed seat. When on that dreadful morning of the 2d of July a being in human form, having ears to hear and eyes to see, lounged about the depot waiting for his victim, got behind him and fired two bullets into the President's back, the country was startled-nay, the civilized world-and the first expression was, "Horrible!" The next thought was, "The man cannot be sane;

it must be the act of a lunatic. Every man, woman and child who could read asked, "Why should this poor creature have shot the President?" If he were sane on that morning no punishment that could be conceived by the ingenuity of man could be sufficiently severe. Gentlemen for the prosecution need not have occupied time in describing the atrocity of the offence. He confessed it; he admitted it, and he also confessed that it was done with deliberation. The dead President was his Mr. Reed's) friend. He knew him well, and loved him well. No eulogy of him could be too glowing, no panegyric too great. say "Amen" to it all, for he knew him and he loved him. Mr. Porter had read to the jury very impressively the letter written by Mr. Garneld to Judge Payne, of Cleveland, complimenting him on his charge in the trial of a case where insanity had been set up; but he (Mr. Reed) believed that if the spirit of the dead President could appear before the jury to-day he would tell them in language more glowing and more eloquent (because it would be from above) "set him free. He cannot have been sane." And the widow in her weeds, mourning daily and nightly for the loss of her husband (he would venture to say) and praying for alleviation of her sorrows, offered a prayer that God would guide this jury so that if it were true and if it could be honestly done the jury would say that the creature who shot her husband was a hunatic. She knew the virtues of her husband. She knew them better than anybody else, and he thought he was not overstepping the bounds of propriety and truth when he said that that was her prayer. On the other hand if the jury, after retiring to their room, solemnly and seriously reached the conclusion that this man was sane at the time of the offence and if they had no reasonable doubt of his sanity they could not hesitate or falter in saying that he was guilty. If they thought that he was insane. or if they had a reasonable doubt of his sanity, it would be best for the cause of free government throughout the world that the jury should say so by their verdict.

He reminded the jury of the act of Charlotte Corday in poniarding in his bath Marat, then the chief man of the French nation, and how she was guillotined in four or seven days afterward. The picture of that fair French girl could be seen in the Corcoran Art Gallery, looking through the bars of her prison, appealing to posterity, insane. Her execution had disgraced the name of the French nation. He also referred to the cases of Lawrence who had fired at President Jackson; Hadfield, who had fired at George III. of England, and Oxford, who had fired at Queen Victoria; in all of which cases the prisoners had been found not guilty by reason of insanity and had been sent to insane asylums. He drew a parallel between the case of Oxford and the present case. Oxford, like Guiteau, had bought a pistol and practised with it. He had been deliberate, his intention had been fixed, yet he had been acquitted. He also pointed out the similarity existing between this case and the case of William

Lawrence, who attempted to shoot President Jackson. He read a number of the interruptions by the prisoner in the latter case and compared them to the frequent interruptions and (to some extent) boisterous manner of Guiteau. Lawrence had been acquitted. He (Reed) read the Lawrence case to show that the present case was not the only one in which the prisoner had dis-

furbed the peace and quiet of the court room.

If any one among you, when he shall have seriously and solemply considered this case in the jury room, shall feel within himself, "I have a fair, honest doubt whether this man was sane at the time." it is the duty of that juror before his Maker to say. "I cannot find him guilty." If one man so feels the other eleven have no right to dictate to him. All I ask of you is to be men, to be moral heroes. Moral courage is a very rare thing among men. If a man does what he thinks is right in the face of calumny, in the face of persecution, in the face even of death, he is a moral hero. Be such all of you and I shall be satisfied; but any man who falters on that question is unworthy to be a man,

Lunatics were found in Jerusalem eighteen hundred years ago. It is no new thing to find a man a lunatic, to find him an object of the deep, continuing pity of his fellow men. When your Saviour and mine was on earth to save men they brought to Him those who were sick of all manner of diseases-lunatics, those possessed of devils. What did he do? Did he say, "Hang him, kill him, put him to death?" No; but the divine compassion took them to Him and healed them. He healed them, but thus

prosecution would say, "Put him to death."

The Prisoner—The American people say, let me go.

Mr. Reed then read from the fourth chapter of Matthew.

twenty-fourth verse:

"And his fame went throughout all Syria, and they brought to him all sick people that were taken with divers diseases and torments and those who were possessed with devils and those who were lunatics and those who had the palsy, and he healed them."

He healed them, repeated Mr. Reed. This prosecution says, "Kill him, hang him; he is a wretch." The Saviour healed The revised Testament, from which I read, preserves in the text the words, "possessed with devils," but puts in the margin the word "demoniac," the very word used by John W. Guiteau when referring to his brother.

The Prisoner—He is not my reference. I have stalwarts for

my reference.

"Follow the example of your Maker," exclaimed Mr. Reed, appealing to the jury. "Heal him, cure him—not hang him and put him to death."

During a pause in the argument the prisoner broke in: "I am going to have my speech published in all the papers of America. Then I'am going to ask Your Honor to read it, and then I will discuss the question as to whether I shall deliver it to the jury. Then I think Your Honor will allow me to deliver it."

Mr. Reed then went into an exhaustive review of the prisoner's life, picturing him as a good, Christian youth. He referred to the testimony of Mr. North as to the quarrel between Charles Guiteau and his father, when the former, who was eighteen years of age, struck the old man in the back. He (Reed) would admit that it was in the back, though the testimony was that it was in the back or shoulders.

Mr. Davidge - Dou't go back on that.

Mr. Reed, not understanding the remark, was about to proceed with his argument when the prisoner sarcastically cried out: "Davidge intended it for a pun, Reed, but you need a micro-

scope to see it."

"That striking of his father in the back," Mr. Reed proceeded, "was not from depravity, but from disease, for which he was not responsible. That was the only instance of violence on the part of the prisoner down to the incident of raising the axe on his sister."

"And that does not happen to be true," said the prisoner.

Mr. Reed-I do not believe that he remembers it.

"No, nor anybody else," said the prisoner.

Mr. Reed -Even his own sister— "That is all bosh, too," said the prisoner.

Mr. Reed—When she testified that he raised the axe at her it was charged by him, while she was on the stand, as being in substance a lie. Why was that? Because at that time memory had strayed away and left him for the moment. Does any man, living to be thirty-seven years of age, leading a blameless, irreproachable life, become bad, violent, immoral, corrupt, d-praved, unless from disease here? (tapping his brow.) It is unreasonable: it is against our experience and the experience of every man of mature years. As to his going to the Oneida Community, his father forced him into that sink of iniqui y. For what purpose did he go there? To save his soul. His father told him that he would go to hell if he did not become a member of the Oneida Com-

The Prisoner-I went there and got into hell, and I did not get

out of it for six years.

munity.

Mr. Reed went on to quote from the testimony of Hubbard, who knew the prisoner at the Oneida Community, and who said that when anything was said which he (the prisoner) did not like, it would "rile" him, and he would gesticulate wildly, talk in a mysterious manner, and sit for hours alone. Mr. Reed argued that this was one of the commonest forms and evidences of insanity. The progress of that disease was steady, stealthy, but fatal. He also argued that there had been no evidence of immorality on the prisoner's part while he was in the Oneida Community, except his own admission that he had been three times immoral, and that, under the circumstances, no sane man (and he a lawyer) would have made that admission. It had come right out of him like a rocket.

"I strike out square every time," said the prisoner. "Some people lie, but I do not. I always tell the truth. I tell the truth

whether it is for or against me."

Mr. Reed then proceeded to read and comment upon the letter written by the prisoner to his father when he left the Oneida Community sixteen years ago, in which he says: "I came to New York in obedience to what I believe to be the will of God. . . . with the Bible for my text book and the Holy Ghost for my schoolmaster. I can pursue my studies. . . . I will do all that in me lies to extend the sovereignty of Jesus Christ by placing at his disposal a powerful daily paper. . . . I claim that I am a member of Jesus Christ & Co., the very ablest, and strongest firm in the universe. . . . Therefore I say boldly that I claim inspiration." Such expressions as these he claimed to be unmistakable evidence of insanity. He went on to argue that since the prisoner shot the President he had daily declared that the power of God was around him and would protect him from harm. that a new idea in his mind, was it manufactured for this case? No; he wrote it sixteen years ago. "I received a better education at the Oneida Community than I could get at West Point or Yale College," quoted Mr. Reed, "Could any sane man write that?" queried he, "a better education in that cesspool of hell than in the highest institutions of learning!"

The Court then at half-past twelve took a recess for half an

hour.

After recess Mr. Reed proceeded with his argument, reading the letter written by the prisoner to the Oneida Community at the time he separated himself from it and called the jury's attention to the expression made use of in the document, that he was "Driven by God." What sane man, asked Mr. Reed, would make use of that expression? Could any twelve intelligent and unpreindiced men read that letter and say that the man was sane who wrote it? Suppose it had been presented to the gentlemen composing the jury when the man was not on trial for any crime, and their opinion had been asked, would not every one of them have said that the man was crazy to have written such a letter? Inevitably they would have said so; and if they would say so under such circumstances, then they must do so now. Mr. Reed, then passing on to a review of the expert testimony, commented on the fact that the government experts had disagreed on the very vital point as to whether the prisoner been feigning or not. If the experts differed on so vital a point as that, what was their opinion worth as to whether there was derangement in the brain or not? It does not need, he went on to say, an expert to satisfy a man that the prisoner is insane-a poor, wandering lunatic. Visit the State prisons of this country and you cannot find in the entire number of convicts one such face as he has; one such eye. If you can, then it is not the eye of a criminal, but the eye of a wreck along the pathway of life, which he certainly is. Go into the insane asylums, look at the poor creatures there and you will

rarely find one who has the eye that he has. Nature never gave the prisoner that look when a child. It never gave it to any human being. Such an appearance of the eye can only come from disease—disease that is creeping over him, and has crept over him until it has perverted his vision. If he had not shot anybody—if he had not committed any crime and he were brought before you and you were asked what you thought of him you would say, "Oh! he's a poor unfortunate, crazy man." Every man would say that. If you would say it under such circumstances, then say it now, because it is your duty to say it. It needs no expert to prove that he is insane to-day. Brain gone! gone! gone! gone!—reason leaving him never to return. I predict that if he is put into an insane asylum, within twenty-four months he will be a miserable, drivelling idiot. (A laugh from the prisoner.) It cannot be otherwise. They tell you that he is smart, keen, cunning. The impression has gone abroad that he is one of the keenest men on the face of the earth—a marvel of keenness and intelligence. I tell that he is a total intellectual, mental wreck on every subject except this. All the faculties of reason that are left to him are centred in the one idea that he is the agent of God, and whenever anything touches his case it is like applying a match to a powder magazine. He goes off. He explodes like a rocket. He cannot talk connectedly. If you turn him from that one subject (that he is the agent of the Almighty) he is a failure and a wreck. If Mr. Porter had examined him on any other subject he would have found him on the verge of imbecility. No man but an insane man could dwell for two days on this subject as he did under the cross-examination of Mr. Porter. The doctors admit that on the subject of their insanity the insane are wonders. No sane man can talk like them, act like them, or appear like them. Did Mr. Gray talk with him on any other subject? No. Fairness ought to have induced him when he had this man under his hand for the purpose of tapping him and letting out his life blood, drop by drop, to talk with him on some other theme than that. If he had he would have seen that he was a ruin.

Mr. Reed went on to argue that after all the matter of the prisoner's sanity was only a guess or an opinion of the doctors, and that, after what the public had learned of the value of such opinions when the President was lying wounded and dying, no man should be sent to the gallows on their opinions. Mr. Reed then proceeded to review the testimony of the witness who had considered the prisoner insane. Taking the testimony of John A. Logan and Charles B. Farwell in connection with the appearance of the prisoner, could the jury under their oaths say that they had no fair, reasonable doubt of his sanity at the time he shot the President? It seemed to be incredible and impossible. Mr. Reed then proceeded to comment upon the fact that Detective McElfresh had been summoned by the prosecution, but not examined, and that Bailey (the District Attorney's stenographer)

who had taken down the utterances of the prisoner, had destroyed his notes. These facts gave ground for grave suspicion that McElfresh's testimony and Bailey's notes would have spoken in thunder tones in behalf of this man. Mr. Davidge said (continued Mr. Reed) that the prisoner's family ought to have deserted him as a wretch-that they should have cast him aside as a rotten branch. That expression does no credit to your heart (addressing himself to Mr. Davidge). Here is Mrs. Scoville, who told Dr. Rice five years ago that her brother was insane. If she had not sat by her brother, broken as he is, she would be unworthy the name of a sister. Shame on such a proclamation! You (the jury) would despise her; human nature would revolt at such a feeling. A sister desert a brother whom she believed, years before, to be a weary, wandering boy! I say that not only in this life but in the life to come God will bless her for her sisterly love and fidelity. Desert him! Would you? Would any man of you desert the brother or sister who was in

trouble whom you believed to be insane?

Referring to the use made by the prosecution of the word "conceived," where the prisoner said he had conceived the idea himself, Mr. Reed explained it to mean that in response to the suggestion that there were other persons concerned in the murder of the President, the prisoner simply intended to say that no other person had suggested it. He also explained the use of the word "remove," which the prisoner admitted having felt, and argued that that was only in keeping with his unwillingness for weeks to commit the act. Neither word was any proof of sanity. A sane man would have reasoned that if he killed President Garfield his successor would certainly not give him any office. What motive could be have had? No man committed crime without a motive. Did the prisoner have any motive that could make a sane man think of such a thing? If he did not have a motive why did he kill the President? And why did he shoot him in a public place? Would a sane man suppose that he could shoot down the President in a crowded railway station and be allowed to step quietly into a hack and drive away? Why had he not shot him the night before, when he followed him to Mr. Blaine's? If he had done so the probabilities were that no man would know who had done it. If he had hated the President, and if that were the motive of the murder, he would have shot him the night before. If he had a motive he would have done so, and if he had no motive then he was insane. If he wanted to shoot anybody for not getting an office why had he not shot Mr. Blaine? No one could answer that question.

He incidentally alluded to the difficulty which Mr. Scoville had experienced in procuring witnesses, stating that they would rather see the man hanged than to tell what they knew and save an undoubted lunatic from the gallows and America from dis-

grace. The government wanted him convicted.

The Prisoner-The government doesn't want me convicted.

General Arthur doesn't want me convicted, and I ain't going to

be-probably.

Mr. Reed then referred to the evidence given by Special Agent Brooks, which had been discovered as by an interposition of Providence to save the jury and the American people from perpetrating a judicial atrocity. Mr. Brooks stated that when he visited the prisoner on the morning after the shooting, the prisoner declared that he had enjoyed the best night's rest he had had for weeks. Was that the declaration of a sane man? Would the jury say by a verdict of guilty that that was consistent in any way, share or form, with sanity? The poor, weary soul, who had been struggling between reason and insanity up to the commission of an act, had committed it and then been at rest. Referring to the testimony of Mr. Reynolds, who had visited the prisoner in his cell on the 14th of July, he spoke of his insinuating himself there in the character of a sneak and a spy—as a Judas. coming and kissing him as a friend. And he asked whether any sane man would say that he expected Senator Conkling, General Grant and General Logan would interfere and save him from the gallows, especially for the murder of a President? Was not that the very strongest evidence of serious mental derangement? And when he was told that these men condemned the act he was astounded at it and said it was because they did not know his reasons, and he wrote a paper which, he said, would let the people know his reasons, and then they would justify him, and this paper Reynolds told him he would have published. Reynolds lied to the poor creature, took the paper, and (still in the capacity of a sneak) gave it to the District Attorney, and it never saw daylight until it was produced on the stand. Mr. Reed then referred to the incident of the prisoner jumping off a fast train near Newark simply to avoid arrest for riding sixteen miles without paying his fare. No sane man, he said, would ever have done that. The Prisoner-I did not get killed then. The Lord was

against it.

Mr. Reed also referred to the fact that the prisoner still believed that he would be acquitted, and he said that if he were

sane, it would not be possible for him to believe it.

In conclusion Mr. Reed said: "Gentlemen of the jury, you all said when you were sworn that you would be governed by the evidence and stand up to it without regard to the effect it might have upon you and your business. I adjure you keep that oath. Falter not in the performance of a duty which shall save you and this fair land from eternal disgrace. I assert that the conviction of this man to the gallows and his execution would be an infamy beyond description—an indelible stain on American jurisprudence and American juries Think of the scene if you condemn him to the gallows. Though not present in body to see the sight you cannot but be there in mind. If such a day shall ever come (and I do not believe it ever can come under this evidence), think of this man brought out from his cell, with the same pale

face and the same weary, wandering eyes, the officers of the law gathering around him, pintoning him, binding him with cords, so that his muscles stand out, covering him with the black hood, shutting out the light of day from him and leading him to the scaffold.

The Prisoner—I would rather go that way than be smashed up

in the railroad cars, as some poor fellows were last night.

Mr. Reed (continuing)—Think of him, a lunatic, condemned to the gallows—a lunatic whom the Saviour, if he were on earth, would heal. The picture is not overdrawn. I am very much obliged to you for your attention. I only ask you, pray do that which shall not in after years bring the blush of shame to your cheeks.

The Prisoner—Reed is a good fellow; but I would not give a cent a bushel for his rubbish. If I could only have a talk with

that jury I would give them the right theory.

The Court then adjourned.

CHAPTER XXIV.

The Address of Mr. Scoville in Guiteau's Defence.—Jurors asked to Consider Solely the Question of Insanity.—Was he Responsible?—The Counsel for the Prosecution Sharply Criticised.—The Life of the Assassin.

Before the court was opened on Monday the 16th day of January Marshal Henry admonished the audience to keep order, and that all persons detected in improper conduct would be arrested and fined for contempt. Guiteau's entrance caused quite a commotion, for many arose to get a better look at the prisoner, who appeared nervous and careworn. As he passed to the dock he dropped a note to Mr. Scoville, and when his handcuffs were removed began to read a paper. The room was dark and gloomy because of the thick clouds without, and the audience was unusually quiet and attentive as Mr. Scoville began his argument. He is a well preserved man of about sixty years. He has a well rounded head, high forehead and white curly hair, moustache and goatee. His eyes are keen and expressive and his nose somewhat large. He dresses in black broadcloth, frock coat and in manner is gentle and easy. His prelude was given in a natural, matter of fact way, there being no effort at oratorical display. His voice is clear and his accentuation good. He is a good reasoner, and gives evidence of long experience in the civil practice of law, for his method, as judged by his management and arguments in the case, is one of deliberation and careful arrangement. During the first part of Mr. Scoville's speech, Guiteau rested his head on his hands and, leaning on the dock railing, gazed through the open window. His face wore a troubled look.

Mr Scoville was frank in his manner and appeared candid in his statements, taking especial care to impress the jury with the fact that he had not sought to introduce in this case the defence of malpractice.

Contrary to his recent custom the prisoner did not make un opening speech this morning, but sat quietly in the dock while Mr. Scoville began his address to the jury. He thanked the jury for the patience with which they had listened to the evidence, and expressed his obligations to the members of the Bar all over the country for the generous, unasked for assistance which they had rendered him, and which had enabled him to present the case not wholly at a disadvantage. He appealed to the jurors to divest their minds wholly of any preconceived opinions on the case. They should not come to any conclusion until the last word has dropped from the Judge in his final charge. They ought to wait until they went to the jury room and sat down and weighed the facts of the case, and with calm sincere minds seek to arrive at what was the truth, and nothing but the truth. That was all the defence asked. He would not attempt to appeal to the sentiments of the jury, the gentleman who would follow him (Mr. Porter) would attempt to influence their emotion; he would address himself to their hearts rather than their intellects; and if the question was to be decided by emotion, by passion, by prejudice, by fear, then the defendant was lost - the defendant would be hanged. But the jury under their oaths could not be influenced by any such consideration. What was the issue? It was whether or not the prisoner was insane on the 2d of July last when he shot the President. He characterized Mr. Davidge as a fair, honest man, but stated that insensibly he had not in all cases given the jury a fair, full, strict, honest statement of the evidence. Neither had he given them a full, fair, honest statement of the law. He (Mr. Scoville) would, before he concluded, take the liberty of criticising the conduct of the other counsel for the prosecution more at length, simply because they deserved it. speaker claimed that Mr. Davidge had unintentionally misrepresented him in quoting from his opening address, which he proceeded to read somewhat at length in order to place himself in a proper light before the jury. He had not as Mr. Davidge told the jury he had) characterized the prisoner as a fool. He charged that in this case there had been a conspiracy on the part of the District Attorney, Mr. Porter, Mr. Davidge, and the expert witnesses (Drs. Hamilton, MacDonald, Kempster, Gray and Worcester), and the object of the conspiracy was to hang the defendant. He also complained of the conduct of the press in prejudging the case, and he instanced the denunciations of the star route frauds (as they were called) as a specimen of the unfairness in anticipating the course of justice and prejudging matters pending before the courts. One of his specifications in the charge against

the conspirators in the present case was that they had attempted to pervert the law. Referring to Mr. Porter's repudiation of the idea that Judge Noah Davis, of New York, sat on the same bench as Barnard and Cardozo, Mr. Scoville declared that the two latter judges had never done a more reprehensible thing than Judge Davis did when he attempted to promulgate a judicial decision not bearing on the case before him, but intended to influence this case, with which he had nothing to do.

A passing remark from Mr. Davidge brought out the prisoner in one of his usual exhortations. He told Mr. Davidge to shut up and keep quiet. He had talked for two days and had not said

anything.

An invitation by Mr. Scoville that he should be corrected by the prosecution if he made any mis-statement of the evidence was declined by Mr. Porter, with the remark that they didn't propose

to turn the argument into a town meeting.

"Then,' said Mr. Scoville, "I tell you that I propose -if Mr. Porter shall in his closing argument falsify the law or the evidence—to correct him then and there every time."

"So shall I," shouted the prisoner.

"I do not propose," continued Mr. Scoville, "to let Mr. Porter put his own coloring on the facts and to distort them. If he makes a single allegation of facts or of law that is false I shall try to prevent it."

"I will attend to him," the prisoner again shouted.

Mr. Porter (ironically to Scoville)—Mr. Guiteau will attend to me.

Mr. Scoville proceeded to criticise some of Mr. Davidge's propositions in his argument to the jury, complaining of misrepresentations of the law. One of these propositions was that the case must turn to "the iron rule whether the man knew the difference between right and wrong." That was not the rule here (Mr. Scoville said) it had been the rule in England 250 years ago, where, if a man had sense enough left to know more than a wild beast, he must be executed. It had been well termed "the wild beast rule." It was not the law of this country, except as laid down by Judge Davis, of New York.

The Prisoner-And Judge Davis' jury rebuked him. They had

more sense than he had.

Mr. Porter (sarcastically)—The rebuke consisted in the jury convicting the prisoner.

The Prisoner—The jury brought in a verdict of manslaughter, the penalty being four years' imprisonment, while Davis wanted

to hang the woman.

Mr. Scoville proceeded with his argument. As to the power to discriminate between right and wrong he argued that, from the prisoner's standpoint, from his diseased view of it, the act was not wrong; it was right, and so Mr. Davidge's proposition was not a correct proposition of law. The inmate of an insane asylum, when he attacked another inmate or an officer of the insti-

tution, knew that he was committing a crime, knew the difference between the right and the wrong of the act; but nobody ever heard of one of these insane people being held to account in a court of justice under this "iron rule of law."

"Davidge knew it, too," shouted the prisoner, "he only said

that for money."

Mr. Scoville cited several similar quotations from Mr. Davidge's argument, in order to show that the counsel representing the prosecution were wilfully falsifying the law. It occurred some thirty times, he said, in Mr. Davidge's argument. The prisoner might have had, on the 2d of July last, enough sense and judgment to know that it would be wrong to pick up a pocketbook which he found on a bench in the railroad station and transfer it to his pocket. That was not the question. If the prisoner was on that morning overpowered by the consciousness (coming through his diseased mind) that the Lord was requiring him to do an act for the good of the country and to save the nation from war, then it was the result of a diseased mind, and the act was, in the prisoner's view of it, right.

In the course of a further criticism of what he called Mr. Davidge's unfair presentation of the law and the testimony, he was interrupted by the prisoner, who shouted, "You cannot blame Davidge for what he said. He was paid for it." On another occasion when Mr. Scoville said that if the prosecution had anything of consequence to show against the prisoner, he would not object to it, the prisoner said, "they have not got anything. They could not prove anything against me, because I am a square

man."

Commenting upon the fact that the prosecution had raked up every little act in the prisoner's life, on which the jury were asked to convict and hang this man, he said there was only one thing in his history for which he should hide his head, and that

was the crime of adultery.

"How many innocent people are there here?" the prisoner shouted. "Not one hardly." A few minutes afterward he again interrupted Mr. Scoville, in order, he said, to have the record straight. "I do not want," he said, "to malign the American people. The high-toned, Christian people of the land—men and women—are virtuous. But I say that the mass of mankind are not. Let the record be straight."

Mr. Scoville went on to say that even that crime was not one which would justify the hanging of this man; and he recounted the incident of the woman taken in adultery, and how, when Christ looked up, after writing in the sand, her accusers were

all gone.

"That is the way it will be here, too, I presume," the prisoner exclaimed. After a while he said, "it is about half-past twelve now, Mr. Seoville. It is time for recess. It is very close here."

In commenting upon the expert testimony Mr. Scoville spoke of Dr. Gray as the big gun of the prosecution—the man who had

stood up in the witness-box and fired off his testimony with his fingers.

At this stage of the argument the Court took a recess for half an hour.

After the recess Mr. Scoville proceeded with his argument, pointing out several places in Mr. Davidge's address in which he alleged there was a deviation from or misrepresentation of the testimony. After speaking some half an hour he was interrupted by the prisoner, who said: "Davidge had better read my speech. It is published in the New York Herald this morning—over a page of it. I must have an understanding with His Honor as to whether I shall have a chance to deliver it or not."

When Mr. Scoville came to Dr. MacArthur's testimony as to the loan of money to the prisoner the prisoner called out, "Let Dr. MacArthur send on my note now and I will pay it." Soon after he said, in reference to another matter: "The prosecution do not believe it. They only say that for money. They are paid for it." When Mr. Scoville praised the prosecution for bringing witnesses at great expense to testify to some trivial incident the

prisoner exclaimed, "That is sarcasm."

Mr. Scoville proceeded with his criticism of Mr. Davidge's ar-While he was talking Attorney-General Brewster entered the court room and took a seat beside Judge Cox. A good deal of time was spent over the testimony of Stephen English, the prisoner continuing to interject his own remarks. The longest of them was: "The reason that I had so much trouble in getting English out of Ludlow Street Jail was that Mr. Winston and the life insurance companies knew him to be a first-class fraud and were 'dead set' against him. He would not have got out if I had not stuck to him like a dog to a piece of meat. When I take hold of a thing I pull solid. English never got a judgment against me, and never will. If I had a million dollars in my pocket I would not give the fellow a cent. That is enough on English." Subsequently, while Mr. Scoville was alluding to the testimony about the non-payment of board-bills, the prisoner again interrupted him, saying, "That reminds me to say here that if these people to whom I owe little bills will send them in they can get their money now. I have got the means to pay them. I owe about a thousand dollars, and that, I suppose, is not to hang a man."

Referring to Shaw's testimony as to the incident of the oroide watch, Scoville said (ironically), "And this is another step in the

vast career of crime which leads on to the gallows."

"That is good," said the prisoner; "but you had better dismiss him with a 'Pshaw!' and let him go," As no laugh followed he spelled out the word and said, "They do not see the pun, do they?"

Referring to the testimony of Shaw and his clerk as to the con-

versation in which the prisoner said he would imitate Wilkes Booth, Mr. Scoville declared his belief that in that matter both those witnesses had perjured themselves.

"I know that they have," said the prisoner.

Shaw wanted to bring this man to the gallows. He (Scoville) could honor Mason, McGill and Jones as compared with Shaw. They were willing to take their lives in their hands if necessary. They were willing, at least, to stake their personal liberty on the issue. But Shaw sought to hang this man without assuming even the risk of a prosecution for perjury.

"This whole Shaw business," the prisoner interposed, "is a lie from beginning to end, and any decent man will say so,"

Then, as the court was declared adjourned, at three o'clock, Guiteau said, "I ask Your Honor to read my speech this evening, because I want to talk to you about it to-morrow morning."

In spite of the very unpropitious weather of Tuesday, the 17th, the court room contained its usual crowd of spectators, the ladies being largely in the majority. The prisoner sat quietly in the dock for some minutes, but when Mr. Scoville rose to proceed with his argument the prisoner reminded him that he was to address the Court, and Mr. Scoville vielded for that purpose. The prisoner then proceeded to read, in a very pretentious, oratorical style, a plea to the Court to allow him to read his speech to the jury. "In general," he said, "I am satisfied with the law as proposed by Your Honor, but I have suggested a still broader view, which I ask Your Honor to follow, to wit: That if the jury believe that I believed that it was right to remove the President, because I had special Divine authority so to do and was forced to do it by the Deity, they will acquit on the ground of transitory mania." He went on to say that neither Mr. Reed nor Mr. Scoville represented him. He knew his own feelings and his inspiration, "and I ask Your Honor," he continued, "in the name of justice, in the name of the American people, to allow me to address the jury of my countrymen, when my life may be at stake. If a man on that jury has a doubt as to his duty in acquitting me, my speech will probably settle him in my favor."

Mr. Scoville then proceeded with his argument, criticizing the District Attorney for sending experts to the jail, not to find out

the true state of Guiteau's mind, but to make out a case for the government. Mr. Scoville complained that the District Attorney had suppressed all evidence of the state of the prisoner's mind for the first two weeks since his confinement. He complained also that Mr. Davidge had misrepresented the testimony of Dr. Spitzka and that all the counsel for the government had sought by ridicule to belittle Dr. Spitzka and to do away with the effect of his open, manly, scientific statements. That was conduct worthy of a police court rather than of this court. Referring to the refusal of the prosecution to allow the defence to examine Detective McElfresh and Dr. McFarland and Clark Mills. Mr. Scoville said he did not want to hear any more of a fair and impartial trial. He criticized the course of the prosecution in refusing to permit the prisoner to address the jury for a brief hour or two, simply because they feared he might disclose by his manner or speech his true mental condition. Referring to Mr. Porter he spoke of his having come here for money and lent himself to the practices he (Mr. Scoville) had been describing. He alluded to his rising up with all the dignity of Demosthenes to discuss some small question of evidence, and he confessed to having resorted to some little subterfuge to draw Mr. Porter out. He had done so to such purpose that Mr. Porter had trained his big guns on himself (Scoville) and to-day Mr. Porter would make as strong a speech against him and would condemn him as strongly as Guiteau.

The Prisoner - He would be in favor of hanging you.

Mr. Scoville -Mr. Porter, carried away by the heat of his passion, denounced the whole tribe of Guiteaus who sympathized with the defendant, and he just stopped in his expression when he wanted to consign us all to the gallows. That is the kind of man that Mr. Porter is; and when he comes before you with his tremendous efforts, with his long, bony finger pointing now at this juryman and now at another, commanding them to find this man guilty and urging it with all the force which he can command as the last expiring effort of a long life of forensic eloquence which shall hand his name down to the ages as an advocate, remember, gentlemen, that back of all this is a large fee; back of it all is Mr. Porter's personal feeling, not against the prisoner only, but against me and the Guiteau family; and back of all this is the fact that Mr. Porter has come here to prostitute his talents and his high attainments for money to hang an insane man. Asto the District Attorney, he has been dictatorial throughout this case. He has treated the defendant's witnesses with all the domineering, overbearing conduct of a Jeffreys. He has attempted to carry this case for the prosecution by conduct unbecoming his high office. And if this man be hanged, if he goes to the gallows, through the efforts of the District Attorney of this District, through his suppression of evidence, through the arts and devices which have characterized this prosecution and which have been a disgrace to it, then, in after years, if conscience does its duty, that scene will come very often before the imagination of the gentleman. And in the night time the vision will come to him of a black form hanging by the neck. The voice will come to him from beneath the black cap drawn over that shapeless head and it will say, in the tones of a lunatic: "It was God's act, Corkhill, not mine," and he will not be able to escape it. He may now seek to ride on the wave of popular revenge a conquering hero, but it will be like the case of a Parisian mob which crowned a harlot and called her their goddess. And when the reaction comes and when the wave subsides he will be left stranded an object of disgrace.

"Thank you, sir," said the District Attorney, smiling sarcas-

tically.

Mr. Scoville then went on to give the theory of the defence. He thought that the prisoner was affected with chronic insanity and that the commencement of it was when the prisoner was a boy of about nineteen years of age or before that.

After the recess the prisoner opened the proceedings by saying, "I am in good luck this morning. I have just-received a check for \$25,000 on the First National Bank of New York; another check for \$5,000, and still another for \$750. I believe them all to be good checks, too. I wish to send my thanks to the givers, and I hope this thing will be kept up."

Mr. Scoville then resumed his address to the jury. He attributed to transitory mania the incident of the prisoner's raising an axe against his sister and the circumstances of his denying it, because such sudden attacks of transitory mania were frequently accompanied by total forgetfulness. He reviewed the prisoner's life down to the time when he entered the Oneida Community. His whole conduct in the Community was the outgrowth of an intense, uncontrollable religious sentiment.

Mr. Scoville was sure that when the jury came to weigh all the considerations, when they came to understand truly and correctly the mental condition of this man, they would not consider it unsual or out of place that the political situation (to which the prisoner had referred them so often) was the moving cause of unhinging his intellect and dethroning his reason. He had got the idea from a man high in party council—Senator Chandler, of Michigan—that another civil war would come, in which millions of men would be sacrificed, and the thought came to him, "Can that calamity be averted?" That thought was supplemented by another. "Yes; it can be averted by the removal of the President. If the President were out of the way these troubles would cease." His next idea was, "Perhaps I am the divinely appointed agent to accomplish it." Then entirely consistent with

his whole life he immediately goes to the Lord in prayer to find out whether the suggestion was a good one or an evil one, whether it came from God or the devil. Of course any same man would have known that the Lord would not prompt him to kill another man, but no one could judge as to the workings of an insane mind. After two weeks' prayer he had become convinced that the Lord required him to do this act and then he went on day by day deliberating to do what he believed the Lord required him to do. From his standpoint he knew from the very nature

of things the act could not be wrong.

If the prisoner, Mr. Scoville continued, had been allowed to address the jury he would have taken the position that his act in shooting the President was right; that it was commanded by God; that it was such an act as only infinite wisdom could have divined and infinite power accomplished in order to save this country, and that he was the humble instrument in the hands of God in doing it. That would have been his plea if he could have made his speech. What do you think of that, gentlemen of the jury, as the indication of a sound mind? It would be simply saying to you, "The Lord did this thing; if you are going to hang anybody hang the Deity, the principal actor; I was only the instrument in his hand." How different that is, gentlemen, from the real defence in this case. We say that the prisoner never had any inspiration of any kind; that the Lord never required him to remove the dead President; that it was a falsehood and delusion from the beginning, and that it was in its inception and execution and is to-day a proof of the diseased mind of this man.

The Prisoner—You and the American people do not agree on that, my friend. They are coming to my side and don't you for-

get it.

The Court here, at 3.45 P. M., adjourned.

On Thursday, the 18th, Mr. Scoville seemed to become desperate, for he first accused the counsel for the prosecution and some of the most prominent physicians in the land of having conspired against his client, and then abused Grant, Arthur, Conkling, and other prominent men.

Guiteau leaned on the dock railing and gazed through the window. Now and then he would scan the audience, and sometimes give his attention to the argument of his attorney. The prisoner's face wore a serious expression, and more than ordinary uneasiness was denoted by his restless mien.

The Court having been called to order the prisoner said, in a quiet tone, different in every respect from the one

which he used when he made his usual morning speech, "I hope Your Honor will allow me to address the jury after Mr. Scoville gets through."

"I will consider that after Mr. Scoville has finished,"

replied Judge Cox.

Mr. Scoville then proceeded with his address, commenting on the testimony of Dr. Gray, of the Utica Asylum, and citing cases of insanity stated in tables made out by him as superintendent of that asylum to show that persons committed homicide under insane delusions and soon afterward sustained a reaction and could converse in an intelligible manner.

The District Attorney interrupted to call attention to the fact that Dr. Gray had stated that in all these cases there were other

evidences of profound insanity.

Mr. Scoville-I know that Dr. Gray said a great many things, intending by his testimony, so far as he could, to cover every single point and make a case here from which it would be impossible to escape by laying down rules which he had said would cover all cases of insanity. But the simple facts laid down by Dr. Gray in this table refute his testimony. Dr. Gray was hired to come here to help to hang this man. He was one of the coconspirators of which the District Attorney is chief, and his part of it was to swear as to his opinion; and he did it boldly, but fortunately has left the footprints here by which I can contradict him out of his own mouth. Mr. Scoville then proceeded, undertaking to show by Dr. Gray's tables that in cases of homicidal mania the patient was not always past recovery. Dr. Gray had testified that delusions in the insane were false beliefs, and that the delusion usual was that the person had become degraded in social position. Dr. Gray had also testified that it might be the delusion of an insane man that he was lost forever. Was it not a delusion for him to believe that instead of being condemned of God he was placed on a par with the Deity, and was selected by Him as the special instrument to carry out His will? His (Scoville's) conclusion was that the prisoner had honestly acted under a delusion, which delusion was his belief that the Lord required him to do the act; but that as soon as the reaction came he, feeling that he had done what the Lord required, had gone to the jail as to a place of rest or repose. In that repose he had remained up to the trial. The opinion of the experts was substantially that the prisoner was not feigning in the court room. was true that Dr. Hamilton, the head of that quartet which was now made a quintet by the addition of Dr. Worcester, had stated it to be his opinion that the man was playing a part. of the quintet had stated substantially the same thing. had evidently talked it over and come to the conclusion as to what they would say. Mr. Scoville then referred to the interruptions made by the prisoner, stating that they were based on his

love of truth. There was in his nature a disposition to resent any untruth. Right there was the secret of his denunciation of the District Attorney—a man who went to the jail to secure his confidence, a man who introduced spies to detect him if possible in something that might be used for the purpose of hanging him —a man who not only did that, but before the jury had suppressed the most important evidence that would tend to exculpate the prisoner from the criminality of the great alleged crime. wonder that the prisoner had a feeling of indignation against the District Attorney. No wonder that on more than one occasion when that spirit had been manifested here which had attempted to override the law and drag him to the gallows, without justice, without an opportunity to produce his proof, he had been led to denounce in violent terms the honorable District Attorney for the District of Columbia.

"The honorable is sarcasm," explained the prisoner.

Mr. Scoville said that the prisoner had acted in the same manner whenever a witness was brought forward to tell a lie for the purpose of hanging him. Instantly the prisoner would break out with "It's a lie!" not very appropriate words to be used in a court of justice, and vet it was no wonder that this poor man on trial for his life, knowing the power to be brought against him, knowing that the United States government and the high officials in power were leagued together for his doom, spoke in his own be-

half when those facts were presented to his consciousness.

At this point of his address Mr. Scoville branched off to the question of politics as connected with the case, and his remarks were listened to with a great deal of attention and interest. He said:—If there were no reasons back of this prosecution this man arraigned here before you, gentlemen, would never have been brought into a court of justice. He would have been taken after the homicide to an insane asylum and kept there until he died. Back of this prosecution is something which I have had to contend against, and which you may now or will feel the pressure of before you go through with this case. It is not merely the efforts of this man (pointing to the District Attorney). Back of him is the United States government, and I arraign before you, gentlemen, as those who are crowding the prisoner to the gallows persons high in authority. I say, and I say it without fear, that the movers of this prosecution are those politicians who seek to hide their own infamy by casting the blame on this insane man. say that such men as Conkling and Grant and Arthur-those who made war without justification on that dead President whom they have since lauded to the skies-instituted that state of things and manufactured that degree of public excitement and political feeling that preyed on this insane man until reason left its throne and he did that which he considered to be perfectly in accordance with their counsel and their conduct. I did not intend to say this when I opened the case. Then I expected a fair and impartial trial. I supposed that there would be no effort on

the part of the prosecution, on the part of the gentleman who represents the United States government, to prevent us from introducing all proper evidence. I supposed that I would have the poor pittance which I asked for, and which as an American citizen I was entitled to, which every criminal is entitled to until the jury bring in their verdict—I supposed that we would have that which I came to Washington for-to wit, a fair and impartial trial of this case. But since I have found that the evidence has been suppressed, that every undue advantage has been taken that could be taken by the prosecution, I have come to the conclusion that I shall not spare these men who fomented this strife and permit them to make a scapegoat of this insane man, so that they shall be still revered and honored in public estimation. What I have to say is this, and I say it without any feeling, or if there is any feeling it is one of regret, that men placed so high in power, elevated so high by the suffrages of their fellow citizens as those persons are, should forget their high duties and descend from the high positions in which they have been placed to the petty and ignominious scramble for office which was exhibited in the war-

fare waged on President Garfield.

Do you believe that this crime would ever have been committed if Conkling and Platt had not resented the nomination by President Garfield of Judge Robertson to be Collector of the Port of New York? Here is a President whom, since his death, all say to be one of the noblest of the land. I say it because I believe it and because I had that opinion of him before his death. But these men, who since his death have been so profuse in their admiration of him, who have said so many things in laudation of his character and his high motives, were ready before the 2d of July last to trample him in the dust if they had had the oppor-They were ready to degrade and disgrace him with his They were ready to see him go down in obscurity and disgrace to the grave if it could be done without the aid of an assassin's hand. I admit that Mr. Conkling is (imitating Mr. Porter's style of declamation) "one of the first Parliamentarians of the age;" that he is a great statesman, I admit that; and Mr. Conkling, with those qualities, had no right, had no business, to engage in a petty squabble about a petty office. He waged a war on the chosen representatives of the American people in the Presidential chair. Mr. Conkling shall not shirk, shall not avoid, shall not escape the condemnation of the American people, if I can fasten it on him, for that disgraceful conduct on his part.

Neither shall General Grant, honored as he is by his country, honored as he has been by the suffrages of the people, honored as he has been for twenty years in my own heart—neither shall General Grant escape that condemnation to which he justly subjected himself when, coming from Mexico, leaving his duties and coming with undue haste, he threw his own name and influence into that petty quarrel about a small office in the Republican party, and sought to foment the differences which had sprung

51

up. General Grant stands only a nobleman as he stands in the hearts of his countrymen. We have no Lord Grant; no Duke of Galena; we have only General Grant, and as long as he maintains his high character, his devotion to his country, so long and no longer will he maintain that place which he has obtained in the hearts of his countrymen. It is more noble for General Grant to say what he has lately said in relation to General Porter-that his conduct toward him eighteen years ago was a mistake; that he did a wrong and that it should be corrected-it was more noble, more manly in him to take that position than to do anything which he has accomplished during the course of his long But there is another step for him to take, and another step for the President to take if they would redeem themselves in the opinion of their countrymen. When the Vice-President of the United States left his high position and went to Albany and prostituted his place and his talent, and his influence toward the fomenting and spreading of this quarrel and controversy in the Republican party, he deserved the condemnation of every citizen of this Republic. And that conduct sticks to him yet, and will until he and General Grant and Senator Conkling, in all their pride, in all their ambition, shall come out openly and plainly before the public through a letter or declaration of some kind, and say that this warfare which they waged on President Garfield was unwarranted and was disgraceful to them as citizens of the Republic holding the high position which they held. I say this thing on my own responsibility. I would not have said it now but for this, that I am not going to see the shortcomings and the misdeeds of these men, though high in place and power, visited on the head of this insane man if I can help it. And I tell you it would be done if you find a verdict of guilty. This is the reason which has prompted all this expenditure of power and force on the part of the administration to hang this man. This is it.

It is not for the purpose of vindicating President Garfield. It is not for the purpose of doing justice. But if it can be made to appear by the verdict of a jury that this act was the act of a sane man, a man who was responsible for his conduct, by a man who could control his action, a man who should be judged by the same standard by which we judged ourselves—what then? Why these men can say and will say, "We are not responsible for what a sane man has done; we are not responsible for that. It is true we had a quarrel. It is true we had a difference, but no sane man had a right because of that to shoot the President." And that reasoning is perfectly correct. Therefore, if you find this prisoner guilty these men are sheltered, secured, almost vindicated from public opinion. But, on the other hand, suppose you find this man not guilty by reason of insanity, what is the result? The people say: "This is the man whose mind was preyed upon by supposed impending evil, who was led to believe that there was another war coming and that a million lives were to be sacrificed. Under that delusion he shot the President of the United

States."

That will be the first conclusion. What will be the next step? Somebody must be to blame when an act of this kind has been done. Who induced this poor lunatic to do this act? Recollect those slips cut from the newspapers and stating what Conkling said, what Conkling did; what Arthur said, what Arthur did; what Grant said, what Grant did. When the people make up their minds they will fix the blame somewhere. Where will it rest but upon the heads of and hearts of these men who waged this unjustifiable war against the dead President, and these men will rest forever with that opprobrium upon them; forever, and they will go down to their graves with the contempt and reproach of their fellow-citizens, unless they do the only thing that can be done—what Grant has done in relation to Fitz John Porter-come out and say as American citizens: "We did wrong." Let them write a letter to the desolate widow at Cleveland and say to her: "It is true we are sorry, it is true we mourn with you, but we feel that this terrible calamity was in some degree the outgrowth, the legitimate result of this unjustifiable war which we waged against your dead husband, and we pray you to forgive us." When these men do that they will show their claim to the regard of the American people, and it is the only thing they can do to save their names from merited oblivion.

Mr. Scoville then resumed his review of Dr. Gray's testimony, and commented upon it up to the hour of recess. He was interrupted by the prisoner but once with a remark that the theory of the experts was to hang a man first and dissect him afterward. Mr. Scoville stated that he would probably close his address the

next day.

After the recess the prisoner opened the proceedings with a desire to talk a little about politics, too. "There are," he asserted, "two or three erank newspapers in the country—to wit, Reid's Tribune; to wit, Medill's Chicago Tribune; to wit, Halsted's Cincinnati Commercial; to wit, George William Curtis, the man milliner. The weather has been rather cool lately. These fellows had better be off under the trees and cool off a little. The only cranks in the country are those fellows. They had better join the Grant-Guiteau-Arthur combination, and get into good company and become good Republicans."

Mr. Scoville then proceeded with his argument and commented upon the fact that the prosecution had objected to Dr. Beard, of New York, testifying in sur-rebuttal, and was about to state the opinion of the case which was held by that gentleman when he was interrupted by Mr. Davidge with an objection to his going

outside the evidence.

The Court declared that it was not proper for Mr. Scoville to

do so, and the latter promised not to offend again.

The prisoner again broke in: "I want a chance to say that the New York Court of Appeals yesterday decided distinctly that

our theory of insanity is applicable to this case. Thank you, Mr.

Judge."

Mr. Scoville resumed his review of the evidence, asserting that the testimony of Secretary Blaine must lead every mind to the conclusion that the prisoner was either a fool or a crazy man, and declaring that the conduct and actions of the prisoner after committing the act were inconsistent with the idea of the man's mind being sound. He referred to the interviews which General Reynolds had with the prisoner, dwelling at some length on the statement made by the latter that "when the President died he would go abroad," arguing that none but an insane man could believe that, after killing the President, he would not have to undergo a long and tedious trial for his life.

The prisoner denied ever having used such an expression, and made his oft-repeated declarations that he had never had any conceptions of the removal of the President as a murder, and that Grant and Conkling were his friends to-day, and "don't you

forget it!"

Mr. Scoville having quoted from a newspaper interview with General Logan—evidence introduced by the prosecution—to the effect that in General Logan's opinion the prisoner was insane, the prisoner declared that Logan was a good fellow, but that was all bosh, and subsequently, that if Logan swore to it, it must be true, in his mind, but not in fact. Again he referred to the case decided on the preceding day in the New York Court of Appeals, declaring that the law was there laid down that the burden of proof was on the prosecution in cases of insanity and not on the defence.

Mr. Scoville, continuing, stated that in any ordinary case he would be satisfied to rest the case on the testimony introduced by the prosecution. In any ordinary case, while possibly not sufficient to convince the jury that the man was insane on the 2d of July, the testimony presented by the prosecution would be sufficient to bring them into that condition where they would be obliged to say, "We have a reasonable doubt whether he was sane," and on that "reasonable doubt" a verdict of acquittal must be brought in. He then proceeded to recite the little incidents which were brought out in the evidence relative to the peculiarities of the prisoner—the story of soaping the oak trees, pulling up turnips instead of weeds, etc.

The prisoner sarcastically called to Mr. Scoville to relate the "dog story," for which Corkhill had paid \$200, and Mr. Scoville, having in the course of his further remarks referred to the "dog story," in a still more sarcastic tone exclaimed, "Oh, yes; that

tells us all about the 2d of July."

Referring to the statement that the defence had injured their case by placing the prisoner upon the witness stand, Mr. Scoville called attention the fact that frequently the faculties of insane persons were as sharp and shrewd as sane persons. That has been shown by the testimony of the experts. He pictured the

growth of the delusion on the prisoner which clung to him with a death grasp. It was just as impossible for him to get rid of the idea that he must kill the President as it was for Paul, when he cried, "How shall I deliver me from the body of this death?" He (Scoville)believed that the prisoner had tried to shake off the idea, but had failed because he was sick and weak.

"Because it was right," exclaimed the prisoner; "that is the

word."

The Court then, at five minutes past three, adjourned.

On the 19th day of January the proceedings of the court were opened by Guiteau, who, in a declamatory tone of voice, exclaimed: "The decision of the New York Court of Appeals comes with so much force at the present moment that I desire to call attention to it. It comes with great grace from the Empire State, from that grand old State of the Republic, the State that sends forth the brains, the money, and the commerce of the nation. It is a great step forward in the law of insanity. Hitherto the law has been that the burden of proof was on the defendant, but the Court of Appeals, with great magnanimity, says that the burden of proof is on this prosecution to prove that the man not only committed the act, but also that he was sane at the time he committed it. In the name of justice, and in the name of the American people, and in the name of the American judiciary, I desire to thank those gentlemen of the Court of Appeals of the State of New York."

Mr. Scoville resumed his position opposite the jury box, and in his customary conversational tone and without any apparent weariness from his efforts of the past three days, again addressed the jury in behalf of his client. He quoted from the testimony of Officer Kearney, who arrested the prisoner, to show the incidents which followed the shooting of the President—the arrest, the removal to Police Headquarters and the search of the prisoner's person for papers. These incidents, Mr. Scoville claimed, showed that the prisoner was perfectly composed at the time of the arrest, and entirely free from excitement—a state of mind which was inconsistent with the idea of sanity. He also quoted from the testimony of Officer Eckloff, who, with Detective McElfresh, had taken the prisoner from Police Headquarters to the jail, in order to call attention to the statement of the witness that during the ride the prisoner had held a whispered conversation with Detective McElfresh. It was no wonder that the defence grumbled because the prosecution had not called the latter

gentleman to testify as to that conversation. If there had been anything that could have been proved by McElfresh against the defendant the prosecution would have produced him on the They refused to produce him, and when the defence called him, near the close of the trial, and asked the privilege of questioning him, there was objection, and under the objection made by this man (the District Attorney), who alleged over and over again that his only desire was to give the defence a fair hearing, McElfresh was not permitted to say a word.

Mr. Davidge—Why didn't you call him in time?

Mr. Scoville -If you question me about that I will tell you why

I did not call him and other government employes.

The prisoner here interrupted, and suggested to the Court that the open window rendered the room very cool for the ladies.

whereupon it was closed by a deputy marshal.

Mr. Scoville then read the letter addressed by the prisoner to General Sherman, asserting that it could not have been written by a man of sane mind. There was nothing in that letter which indicated the action of a sound mind. Neither could a sane man have written the letter to the White House. He then passed on to criticize the action of the prosecution in having, as he claimed, suppressed every single word of any interview with the prisoner from the time of the arrest until General Reynolds went to the jail. He would not say that Mr. Corkhill had actually suppressed, but he would say that he endeavored to do it, and the claim was made that this idea of the prisoner that the act was under the divine pressure was an afterthought. prosecuting attorney refused the defence every particle of evidence covering two weeks of time? This was a feature that the jury should carefully consider. But incidentally and accidentally, continued Mr. Scoville-

The Prisoner (interrupting)—Put in providentially.

Mr. Scoville—But without the prosecution intending it, their

witness, Dr. Young, has refuted their position.

The Prisoner—The question as to whether I first claimed inspiration was settled by the testimony of Mr. Brooks, who was the government detective who came to see me on the 2d of July and again on the 3d. I talked to him about the Deity and the political situation. He is a providential man, helping me out of this. We could not have proved that fact by any other living being. I dictated the same thing to Corkhill, and Bailey, his stenographer, and they tore up the note book. That shows the iniquity of this prosecution, and God Almighty will curse every man of them. Judge Porter has been pretending to be sick for two or three days. I hope Providence will keep him sick. I hope that the Lord will take him down below quick and then call for Corkhill.

Mr. Scoville—I wish you would keep still; I cannot go on with these interruptions.

The Prisoner—Well, go on.

Mr. Scoville then began to read from the testimony of Dr. Young, when the District Attorney interrupted and asked him to finish the reading of an answer of the witness which he had commenced, intimating that he had not done so because the latter part of the answer was not beneficial to his client. This intimation was indignantly denied by Mr. Scoville, who said that he never acted as the District Attorney had done, in tearing off from a letter that portion which was beneficial to the prisoner and putting the rest in evidence. He was not going to treat the prosecution in that manner. He was not going to treat the testimony of any witness in that manner. The gentleman (Mr. Corkhill) might never have produced the letter in evidence. The defence had not asked for it. The District Attorney, seeing something in it that might tell against him—what did he do? He cut off the signature and such portion of it as he thought was of benefit to the prisoner, and did what had never been done before in a court of justice in this country. In a civil suit it would not be permitted; but here, where the purpose was to hang this man and deprive him of a fair trial, what did he do, this gentleman who prated about fairness and justice? He took a letter written by the prisoner, cut out such portions as he thought might benefit the prisoner, and never vouchsafed an explanation of it from that time to the present. It was such things as that which had led him (Mr. Scoville) to make up his mind that no person connected with such transactions, such perversions of justice, should escape, if he could prevent it, a just condemna-

The District Attorney-That is your conclusion. There is no

testimony of that kind. Don't work yourself up.

The Prisoner—What he cut out was a friendly aliusion of mine to General Arthur. It shows what a low, bloody whelp he is.

Mr. Scoville—There could be nothing meaner, nothing more unjust, nothing that I could do more reprehensible, than to mutilate a letter, cut off what did not benefit me and leave in what would benefit me. Now I come to Dr. Young's testimony.

The District Attorney-Yes; go on with it. That has some-

thing to do with the case.

The Prisoner—I told Dr. Young that it was an inspiration in any event; that if the President recovered, the Lord had countermanded the order, as he had done in the case of Abraham; that if he died the Lord had confirmed the act. Before Young went on the stand he used to come and see me every day very friendly and examine my pulse and temperature and that sort of thing. But since he testified he has kept entirely away. That shows he is ashamed of his testimony—ashamed to come near me at least.

Mr. Scoville then proceeded with his argument, and asserted that there was not a minute from the time that the prisoner had been nineteen years of age up to the 2d of July last that he had not been an insane man, but his allusion to the prisoner's brain as "feeble" drew forth the ironical remark from the latter, "I

know my brain is very feeble, Scoville."

Mr. Scoville, in the further course of his remarks, said that he was speaking not so much for the purpose of saving this man's life, not so much for the purpose of doing his duty to the wife of his bosom, not so much for the purpose of saving the credit of the family name of Guiteau by showing that there was not now and never had been a criminal in it, as for the purpose of preventing an injustice being done here that should stand forever hereafter a lasting, permanent, endurable disgrace to the American people and the American judiciary. If it were possible for the jury by their verdict to stay the tide of revenge and of mob law, let them do so, so that never should it be said that in this country had been done what had been done in England when Bellingham was rushed to the scaffold in a week's time. He would do what he could to prevent the American name and American history being disgraced by a like event. Mr. Scoville then proceeded with a review of the testimony, speaking in a conversational manner, but not dwelling at any length upon the evidence of any particular witness. He placed the testimony of the witnesses before the jury in his forcible but disconnected way, and had several lively passages of words with the District Attorney, whom he accused of unfairness and of suppressing evidence. He referred to the prisoner's life in the Oneida Community, and declared that had the grand old State of New York done its duty and rooted out that evil institution thirty years ago this last act of Guiteau's would never have been committed.

After the recess Mr. Scoville held a whispered conversation with the prisoner and then resumed his argument. If the prisoner had planned in his own mind that he would feign insanity as a defence he would have manifested his intention while in jail, and yet there was not a witness who had not stated that the prisoner had in his interviews at the jail appeared to be open, honest and frank. It was perfectly absurd to suppose that he had it in his mind to feign insanity in this case and yet that he had not attempted to carry out the feigning at the jail. There was, and had been, nothing in the prisoner but honest sincerity and sincere conviction. Referring to the testimony of Mr. Storrs, Mr. Scoville admitted that he had been somewhat disappointed in the evidence of this stalwart politician, but said that there was something even in testimony bearing on the question of the prisoner's unsoundness of mind; that witness had given it as his opinion that Guiteau had an illy balanced judgment, an illy balanced mind and did not have good common sense. Passing to the further review of the testimony, Mr. Scoville alluded briefly to the statement of Colonel Hinton, that he considered Guiteau as an "illy balanced, cranky egotist." He (Mr. Scoville) did not know how the witness had become a colonel, but he had found it safe to call everybody here "Colonel." Coming down to the time of the killing Mr. Scoville argued that in the circumstances connected with the shooting, the prisoner's former life, his life in jail, the facts clustering around that fatal 2d of July, the facts that had been discovered immediately following the shooting, there was an abundance of evidence to show that the act was that of an insane man. But when the prisoner's own evidence was added to these facts could not the jury see without leaving

the box that that man was insane on the 2d of July?

Branching off then to the question of motive he asserted that the prosecution had assigned to the prisoner no motive for the commission of the act. Some reason must be assigned and proved to exist by the prosecution before they could come in and ask for a verdict of guilty from the jury. The statements that the man was so deprayed that he committed the murder without motive would not do. Such a case was not supposable to the human mind. No man could commit a murder unless there was some motive that impelled him to do it. Could the prisoner's motive have been revenge? Did Guiteau desire to gratify a vengeful spirit? If that man had a vengeful spirit in his heart it could not have been a new thing. It could not be that at forty years of age he should have such a deep-rooted inhuman spirit of revenge as would lead him to shoot the President, and yet that that spirit had never manifested itself before. If there ever was a case where a man had a right to vent his vengeance it was in the case of this man toward John H. Noves, of the Oneida Community, through whose corrupt practices he had been drawn from a life of promise and dragged down to ruin in this world and the world to come. And yet the prosecution could not show a thing done by the prisoner to avenge this deep, unspeakable wrong which had been perpetrated on him by Noyes. He (Scoville) went on to argue that the prisoner l.ad no possible ill will toward the late President and had no motive for shooting him.

The District Attorney sareastically suggested that Mr. Scoville had evidently forgotten that the prisoner had murdered the

President.

The prisoner declared that he had not had the slightest ill will

toward either Garfield or Blaine.

Mr. Scoville, continuing, said that it might be claimed that the prisoner had committed the act for the purpose of gaining notoriety. ("I don't care a snap about notoriety," interjected the prisoner.) It seemed to him that such a position was untenable.

The Prisoner—The motive was that the Lord put it upon me

and I had to do it.

Mr. Scoville defied Judge Porter to show the jury a single case in history where a sane man had committed such a crime as that merely for the purpose of gaining notoriety. A sane man would know that he would go down to posterity steeped in infamy and iniquity, and would be classed with those who had crucified the Saviour and with no others on earth.

"That's all bosh!" cried the prisoner, angrily. Subsequently be interrupted to give vent to his off-repeated declaration, that

he would not have taken a Cabinet appointment after the first of June, and shortly afterward exclaimed: "A couple of boys in Kentucky have been writing to the *Herald* a cranky letter, and they were fools enough to publish it. The *Herald* editor must be getting badly cranked. I don't know anything about these parties, and they are beneath my notice."

Mr. Scoville liaving passed on to a review of the testimony of the experts, the prisoner again broke in with the declaration that no living man besides himself could know the condition of his mind. He had stated it in his published speech and he hoped that he would be allowed to make the address to the jury.

Mr. Scoville then referred to the testimony of Dr. Worcester, of Massachusetts. "That little man" had written to him declaring his belief in the prisoner's insanity, and he had thereupon summoned the Doctor.

The Prisoner—He wanted a free ride to Washington, but when he got here Corkhill bought him up and he went back on his

letter.

When Dr. Worcester had been in Washington some days, continued Mr. Scoville, he changed views. How, when and where, we cannot tell.

"He saw Corkhill," suggested the prisoner, contemptuously.

Mr. Scoville said it did not matter how it happened that this profound man from the Athens of America had changed his opinion. He was not sorry the Doctor had done so, for when he became acquainted personally with that gentleman he should have wanted somebody else's recommendation before he took stock in him.

Mr. Davidge broke into a contemptuous laugh at this state-

ment.

The Court then, at a quarter past three, adjourned, and Mr. Scoville stated that he would probably conclude his address on the following day.

Mr. Scoville began his speech on Friday the 20th, by referring to Dr. Hamilton's testimony. He picked it in pieces to show that the witness was strongly prejudiced against the defence. He produced a diagram of the prisoner's head and ridiculed the testimony of Dr. Kempster upon the subject of asymmetry of heads, and declared the latter's diagram of the prisoner's head false. Mr. Scoville, in the further course of his review of the medical testimony, was charged by the District Attorney with misrepresenting a witness by not reading the whole of one of his answers. In making his charge the District Attorney made the statement of a fact which had not appeared in evidence, and Mr. Scoville warned him that he would do the same if the act were repeated. The District Attorney had done the same thing before in reference to the witness Moss, whom he asserted had been

tried in this very court upon an information. He (Scoville) had since discovered that Colonel Corkhill's prejudice against the man arose from the fact that he had once been sued by a servant for three dollars and had been tried by Moss, who was a Justice of the Peace. That was on record.

The Prisoner—If Corkhill were sned for all he owes it would

take all the courts in the city to do the business.

After the recess Mr. Scoville said he should dwell no longer on the testimony. Laws, he said, were enacted to award or punish people who were clearly of sound mind. It was true, that a man who committed murder ought to be punished, even if he were over the border-line that separated sanity from insanity; but it was not true that it was right and just, that it was what God approved, to say that the man who stepped over the border-line and committed an act of murder should be punished precisely as the man was punished when he stood on the right side of the The only thing the law could say to save the perpetration of gross injustice was that when the jury had a reasonable doubt that a man was sane he should be acquitted. It was better that ninety-nine guilty men should escape than that one innocent man should suffer. He spoke of the demoralizing influence of the scaffold, and believed that if the gallows were abolished there would be more safety of human life. He predicted that Judge Porter, in his closing address, would lay stress upon the fact that the prisoner had refrained from shooting the President when he was accompanied by Mrs. Garfield and would attempt to show by that fact that the prisoner could not have acted under an irresistible impulse. Such a position on the part of Judge Porter must be based on the assumption that the prisoner was a man whose mind was not diseased. The moment that it was admitted that his mind was diseased, no whim or caprice, or spasmodic impulse of that mind could be accounted for. He contended that the very fact of the prisoner restraining his hand went to prove that he was acting under a delusion, for had his act been one of depravity, as the prosecution claimed, he would not have needed another night to allow that depravity to be developed in his heart.

Addressing the jury Mr. Scoville said: I do not ask you now to find for or against this defendant. I simply ask you to take the evidence into consideration; I ask you never to question yourselves as to what will be the result of your verdict in regard to your position in society; as to whether your fellowmen will approve it or not; as to the result in any way, except that you should believe it to be just. You should not be influenced by any personal motives, by any motive outside of a sincere desire to decide this case according to law and evidence. And when you have reached a conclusion in your own minds I ask that you will render a verdict without fear or without hope of favor or reward, and I believe, gentlemen, that you will do it. I leave the case with you, thanking you for your careful attention.

As Mr. Scoville concluded there were slight manifestations of applause among the audience, but they were immediately suppressed by the officers of the court. The District Attorney then rose and called the Court's attention to the desire of the prisoner to address the jury. At the time that the application was made he had opposed it very earnestly. The case had now occupied seventy days, and he did not desire a repetition of it. He did not intend that any error should get into the record upon which there was any possibility that a new trial should be allowed and he therefore, on behalf of the government, withdrew all objection to the prisoner being heard.

Mr. Reed indignantly protested against the last remark of the District Attorney. That gentleman did not expect to address the jury himself, but in a suggestion to the Court that he would withdraw his objection he said that he would do so in order that there should be no error in the record, thereby assuming that the jury would send this poor luna-

tic to the gallows.

The District Attorney—That is what I believe.

Mr. Reed—I will not allow that to pass without a protest on my part. He stands up and states that he withdraws the objection; he wants no error in the record. That is unworthy of a man who will not dare stand up and address the jury on the subject.

The Prisoner—It's worthy of Corkhill.

As to the question of the prisoner's right to speak, that was a matter, Mr. Reed said, to be decided by the Court. That he might make a poor speech was no reason that he should not be heard. Many lawyers made poor speeches; many lawyers made rambling speeches. Some made speeches outside of the record. [Laughter.]

The District Attorney said that he had no discussion with the gentleman. He had simply withdrawn his objection, and the gentleman had no right to criticise him. His Honor had no right to permit him to do so. All this stuff

was entirely out of place.

The Prisoner—I reciprocate Corkhill's friendly spirit in the matter, and I don't entirely coincide with Mr. Reed.

Judge Cox stated that some of his brethren had very serious doubts whether, in a capital case, the prisoner could be denied the right to address the jury. He therefore would permit the prisoner to speak.

The Court then adjourned.

When the Court took a recess another exciting scene occurred. The prisoner was very impatient to get out of the dock, and scarcely could keep still long enough to be handcuffed. Captain Tall did not wish to take him into the crowd, and Guiteau showed ugliness and temper because he was not permitted to go right out. The delay did not exceed two minutes, and then the officers started with him. When he reached the counsel-table he stopped and exchanged a few words with his brother. The guards then moved on with him, and when he got around where the jury sits he made another halt to talk again with some gentlemen. The crowd was pressing around and behind him, and Captain Tall, wishing to escape it, pushed his prisoner along. This made him mad and he turned quickly and shot out both hands, planting his fists in the deputymarshal's breast. The officers quickly turned on him and hustled him out in double-quick time and up-stairs to the private room, where he was wrathy for a few minutes and pronounced the Deputy-Marshal an unmitigated nuisance. Captain Tall gave him very quickly to understand that he was in his charge, and if he would not conduct himself decently he would be compelled to do so. If he wanted force resorted to he would get it to his heart's content. Hardly had the prisoner got up-stairs before Mrs. Scoville was on the spot and sided with the prisoner. The scene in the court room took place near the door and was done so quickly that only the persons in the immediate vicinity saw it.

CHAPTER XXV.

Guiteau's Speech, on which he Relied for Acquittal.—He Claims Inspiration by the God of the Party.—His Criticism of Newspapers and Expert Testimony.

On Sunday, the 15th day of January, Guiteau gave his speech to his brother to be delivered to the Associated Press Agent. He made no comments on the merits of the speech, but addressed the following letter to the press:

I have concluded not to sell my speech for money. It will do me more good to have it printed in all your papers in its entirety than to get any amount of money for it. I advise you to annex the enclosed note to every copy furnished a newspaper, so they will understand I wish it printed in its entirety. Please return the manuscript to me as I want to retain it.

I have the honor to be yours, etc.,

CHARLES GUITEAU.

UNITED STATES JAIL, WASHINGTON, D. C., Jan. 15th, 1882.

The letter of transmission and the speech read as follows:

WASHINGTON, Jan. 15th, 1882.

I have the honor herewith to transmit my speech. It is an historical document and I desire it sent broadcast to the American nation.

I am not certain that Judge Cox will allow me to deliver it, but I send it to my countrymen and they and the President of the United States, if necessary, will finally adjudicate this case.

I have an encomium on Judge Cox at the close of the speech, which I allow to stand, but I do not think it possible, on mature reflection, that he really intends to gag me and prevent my delivering the speech. If he does his name will go into history blackened as a gag-law man. I am sure that the able Chief-Justice and his associates, who represent the Washington Court in banc, will spit with scorn upon the position of Judge Cox, and I am sure that the high-toned men of the nation will do likewise, because I am my own counsel, and it is infamous if I am not per-

mitted to address the jury when my life is at stake. I would not trust the best man in America to close my case. I take no stock in Mr. Scoville and Reed's theory of this defence. I removed the President and this speech contains my defence, and it should be read by every American, and I desire you to give it the widest publicity by printing it in its entirety.

I have the honor to be yours, etc., CHARLES GUITEAU. UNITED STATES JAIL, WASHINGTON, D. C., Jan. 15th, 1882.

The first part of Guiteau's speech is almost identical with his Christmas address to the people, which will be found in another part of this book. He says he is a patriot. Washington and Grant were patriots. By their valor and success they won the admiration of mankind. "To-day," he continues, "I suffer in bonds as a patriot because I had the inspiration and nerve to unite a great political party, to the end that the nation might be saved another devastating war. There is not the first element of murder in this case. To constitute the crime of murder two elements must co-exist. First, an actual homicide; secondly, malice in law or malice in fact. The law presumes malice from the fact of the homicide. There is no homicide in this case, and therefore no malice in law. Malice in fact depends on the circumstances attending the homicide. Admitting that the late President died from the shot, which I deny as a matter of fact, still the circumstances attending the shooting liquidate the pre-sumption of malice either in law or in fact. Had he been properly treated he probably would have been alive to-day, whatever my inspiration or intention. The Deity allowed the doctors to finish my work gradually, because He wanted to prepare the people for the change, and also confirm my original inspiration. I am well satisfied with the Deity's conduct of this case thus far, and I have no doubt that He will continue to father it to the end. and that the public will, sooner or later, see the special providence in the late President's removal."

Guiteau goes on to say that nothing but the political situation justified the President's removal. The break in the Republican party was widening and he foresaw a civil war. The Lord wanted to prevent a repetition and inspired him to execute His will. "Why," asks Guiteau, "did He inspire me in preference to some one else? Because I had the brains and nerve, probably, to do the work. The Lord does not employ incompetent persons to serve Him. He uses the best material He can find. I, of all the world, was the only man who had authority from the Deity to do it. Without the Deity's pressure I never should have sought to remove the President. This pressure destroyed my free agency."

Guiteau goes on to tell how the irresistible pressure was on him for thirty days to remove the President. It haunted him day and night, and he would have done it had he died the next moment. "The Deity," he says, "put it on to me and I had to do it, regardless of consequences to myself. In shooting the President I deny that I violated any law, human or divine. Nothing that the Deity directs a man to do can violate any law. I stand here as the agent of the Deity. I had no choice save to execute His will. There are more than thirty-eight cases in the Bible where the Deity has directed to kill for the good of the people—i. e., to save them from some far greater trouble."

To-day I am in your presence, gentlemen, as a poor man, because I left a good law business in Chicago in 1877, to try and do my duty in enlightening mankind on theology." Guiteau then goes on to tell of the hard time he had in serving the Lord and preaching the gospel, and continues: "I spent three years in this business and received nothing but poverty and contempt for my services and trouble. But I expect the Deity will take care of

me hereafter on that."

Taking up the political situation, Guiteau details his wellknown views about the danger of civil war. The public mind was greatly excited over the resignations of Conkling and Platt. When he saw that Garfield, under Blaine's vindictive spirit, was proving a traitor, it grieved him to the heart and he praved over it. "If Garfield was out of the way," thought I one night in my bed, "everything would go well." Things seemed to be going from bad to worse under Garfield's leadership, and Guiteau foresaw another civil war. After two weeks of earnest prayer he decided that the Deity called him to remove the President. and he began preparations. An opportunity came and he shot There was a special providence in his dying in New Jersey, for, says Guiteau, "Should this jury condemn me to be hung, which is hardly possible, in view of the facts appearing in this trial, the Deity has probably fixed the law so that their verdict cannot be legally enforced." Guiteau again declares that it was a foolhardy act to shoot the President, but he was obliged to do it. His free agency was entirely destroyed. "If it be true," he continued, "that Providence and I saved the nation, why should not I be a hero and the equal of Washington and Lincoln and Grant? Many people are beginning to see that I have saved the nation. If there be in this assembly any dear friend of Garfield's, to him I say that Guiteau's love to Garfield was not less than his. If, then, that friend demand why Guiteau removed Garfield, this is Guiteau's answer: 'Not that Guiteau loved Garfield less, but he loved his country more. Had you rather that Garfield were living and die in war than that Garfield were dead to live in peace? No, as Guiteau loved Garfield, Guiteau weeps for him; as he was fortunate, Guiteau rejoices at it; as he was a good man, Guiteau honors him; but by the Deity's inspiration Guiteau removed Garfield for the good of his country.'
"A vast deal of rubbish," he continues, "has got into this case

"A vast deal of rubbish," he continues, "has got into this case on both sides. The issue here is: Who fired that shot—the Deity or me? Had I fired it on my own personal account, no punishment would be too quick or too severe for me, and this is why I

protected myself by going to jail and having the national troops ordered out. I knew I would be shot or hung at once if I was not protected by the jail and the troops. I knew the President's removal would cause the greatest excitement, and my only safety was to get beyond the reach of the mob until the populace knew my motive and my inspiration. This trial has developed my motive and my inspiration, and to-day the people consider me a

patriot and a great man."

The prosecution, Guiteau says, made a great flourish with their experts. "The only insanity in this case was what these experts call transitory mania, i. e., the Abraham style of insanity. There are thirty-eight cases of Abrahamic insanity in the Bible. i. e., of illegal killing resulting from the possession of transitory mania by Divine authority. The prosecution have attempted to show by their paid experts that I was not suffering from transitory mania at the time I fired on the President. But what do they know about it? Absolutely nothing. Had I plenty of money I could get fifty reputable experts to swear I was insane absolutely at that time. I take no stock in the shape of the head or the hang of the tongue, or in the opinion of experts on either side of this issue.

"It has been said," continues Guiteau, "that when the Deity

and I removed the President, a blow was struck at Republicanism, but I saw the Republic was endangered by the President and hence the necessity for his removal. I say that I saved the nation and the Deity confirmed the act; and the American people are satisfied with it. The American people are the most magnanimous people on the globe. All they want is to understand a matter and then they can give a righteous judgment. They admire brains and pluck and go for it every time. On June 16th, two weeks before the President was shot, I used these words in an address to the American people: 'Ingratitude is the basest of crimes. That the President, under the manipulation of his Secretary of State, has been guilty of the basest ingratitude towards the Stalwarts admits of no denial. The expressed purpose of the President has been to crush General Grant and Senator Conkling, and thereby prepare the way for his renomination in 1884. In the President's madness he has wrecked the once grand old Republican party and for this he dies.' When I wrote these words I had been in a mania for thirty days. I had groaned under the political situation. I was in a revery or trance. In the same address I used these words: 'I cannot render my feelings as Booth or Jefferson could, but I will do it in my humble way." I am supposed, for the moment, to recover from the mania. think what the public will say when they find the President is shot, and I reel and stagger under the thought I am about to re-

move the President. But God's will, and not mine, be done. I had no ill-will toward the President. This is not murder. It is a political necessity. It will make my friend, Arthur, President, and save the Republic. Grant, during the war, sacrificed thou-

sands of lives to save the Republic. I have sacrificed only one, and here is the motive: 'I shot the President as I would a rebel, if I saw him pulling down the American flag.' And here is the inspiration: 'I leave my justification to God and the American people.' And to-day, six months after the shot was fired, the Deity has repeatedly confirmed the act, as indicated by my experience as set forth in this speech, and the American people are satisfied to let this prosecution go by default, and that is the way you will probably let it go. On June 20th, in the same address, I used these words: 'The President's nomination was an act of God. The President's election was an act of God. The President's removal is an act of God.' And now I say I expect Him

to vindicate me."

Branching off on another subject, Guiteau says he is fortunate that his case has been tried before so able a Judge. "In general," he says, "I am satisfied with Your Honor's proposed instructions, but I would humbly suggest that the jury be charged as follows: That if they believe that I believed it was right for me to remove the President because I had special Divine authority for so doing, they will acquit on the ground that I was overpowered by the Deity, i. e., that I was suffering from transitory mania." He thinks the defence will be able to show that this Court has no jurisdiction of the case, and that the Court in banc will decide if necessary. Then he asks the jury to give the case the most solemn and prayerful attention, and he has no doubt that the verdict will be "not guilty," as found in the indictment. "To hang a man in my mental condition on July 2d, when I fired on the President, would be a lasting disgrace to the American people, and I am sure you so understand it. The American people do not want me hung. They are saying: 'Well, if the Deity did it, let it go,' and I expect you, gentlemen, will let it go. The mothers and daughters of the Republic are praying that you will vindicate my inspiration and their prayers, I expect, will prevail. A woman's instinct is keener than man's, and I pray you listen to the prayers of these ladies. How would your mother and wife and daughter vote on this case? Have you any doubt but they would vote for an acquittal? And why should you not do likewise? There is not the first element of murder in this case. You might as well hang a man for murder during the war as to hang me. Under the law as given by His Honor you can acquit me with entire credit to yourselves.

"Physical death has no terrors for me. Suppose it possible that I should be sentenced to be hung in thirty days? I may die in twenty-four hours. I shall not go until my time comes, anyway. I have always been a praying man, and I think I stand well with the Deity. I am sure I do in this case, for I certainly should never have sought to remove the President had the Deity not pressed me into it. It is said that if I know the 'difference between right and wrong,' in removing the President I violated human law and ought to be hung. But this is not the law, and

I say the President's removal was right, because I had Divine authority to do it. Admitting for the moment that I did violate the law of this District against murder, I reply, What of it? Thousands of persons have violated the letter of the law with impunity. If I violated the law I did it under Divine pressure for the good of the American people, and they are willing to let this case go by default, and I expect you will let it go by default. And now, gentlemen, I leave this case with you. At the last great day you and all men will stand in the presence of the Deity crying for mercy and justice. As you act here so will be your final abode in the great hereafter. I beg you to not get the Deity down on you by meddling with this case. I beg for your own sakes and for the sake of the American people, and for the sake of generations yet unborn, that you let this case alone. You cannot afford to touch it. Let your verdict be that it was the Deity's act, not mine. When the President was shot his Cabinet telegraphed to foreign nations that it was the act of a 'madman,' and it will be far better every way that it be officially decided that it was the act of a 'madman.'"

CHAPTER XXVI.

The Assassin in his own Defence.—The Court Room more densely packed than ever.—Not afraid of being Shot.—He claims that he was Insane when he fired the Fatal Shot, but is Sane now.—Guiteau in Tears.—An Elaborate Argument for the Prosecution by Judge Porter.

In spite of the drenching rain of Saturday a great crowd besieged the doors of the court room long before the opening of the court. The attraction was, of course, the knowledge that Guiteau was to speak in his own defence.

The crowd was as determined as it was immense, and the marshal and his assistants and the police force were at their wits' ends to find places for those who considered themselves to have peremptory claims on their attention. Congressmen, distinguished lawyers from abroad, ladies bearing the highest credentials and orders, newspaper reporters, and the like, struggled in vain in the crush. Marshal Henry could only reply to the most persuasive appeals, "It is physically impossible. The court room is not large enough. There is absolutely no more room."

These statements were plainly true. The scene inside the court room was a strange and impressive one. The crowd was prodigious. It filled every nook and crevice, and it almost seemed as if the solid walls would bulge out

under the longitudinal pressure.

The day was dull and the court room dimly lighted, so that student lamps were brought in for the stenographers' and the prisoner's use. Mr. Davidge sat in his accustomed seat, and in a row with him were, in order, Messrs. Reed, Scoville, John W. Guiteau, Mrs. Scoville and her child, a pretty child of eight years. Neither house of Congress is in session, and some twenty or thirty Senators and Representatives availed themselves of this leisure to attend.

As Guiteau was brought in all eyes were fixed upon him. He had been shaved, and was neatly dressed. As he took his place on the stand he said he wished to sit, not because he had fears for his safety, but because he could talk better thus. He then began at once to read the statement already published, closely following the text, though with occasional short digressions. He spoke in an absurdly stilted manner, which was meant to be very impressive, pathetic, and rational.

The harangue itself was but a repetition of his well

known pretensions which was published elsewhere.

Upon entering the room Guiteau took a seat in the witness-box, remarking as he laid out his papers, "I sit down because I can speak better, not that I am afraid of being shot. This shooting business is getting played out."

At an intimation from Judge Cox the prisoner carefully arranged his glasses, and with a flourish began to read from

manuscript, as follows:

The prosecution pretend that I am a wicked man. Mr. Scoville and Mr. Reed think I am a lunatic, and I presume you think I am. I certainly was a lunatic on July 2d, when I fired on the President, and the American people generally, and I presume you, think I was. Can you imagine anything more insane than my going to that depot and shooting the President of the United States?

"You are there to say whether I was sane or insane at the mo-

ment I fired that shot. You have nothing to do with my condition before or since that shot was fired. You must say by your verdict, sane or insane, at the moment the shot was fired. If you have any doubt of my sanity at the moment, you must give me the benefit of that doubt, and acquit. That is, if you have any doubt whether I fired that shot, or as the agent of the Deity. If I fired it on my own account, I was sane. If I fired it supposing myself the agent of the Deity, I was insane, and you must acquit.

"This is the law as given in the recent decision of the New York Court of Appeals. It revolutionizes the old rules, and is a grand step forward in the law of insanity. It is worthy of this age of railroads, electricity, and telephones, and it well comes from the progressive State of New York. I have no hesitation in saying that it is a special providence in my favor, and I ask this Court

and jury so to consider it.

"Some of the best people of America think me the greatest man of this age, and this feeling is growing. They believe in my inspiration, and that Providence and I have really saved the nation another war. My speech, setting forth in detail my defence, was telegraphed on Sunday to all the leading papers and published on Monday morning, and now I am permitted by His Honor to deliver it to you."

He then explained to the jury that his speech opened with quotations from his Christmas greeting to the American people, and in using it for the opening of his speech to the jury he had neglected to cut out the date, "Christmas, 1881."

After thanking his counsel, and paying a very high compliment to the zeal and ability which Mr. Scoville displayed —whom he proposed soon to reward with a very liberal fee—he extended his grateful acknowledgments to the Court, the jury, officers, and bailiffs; and last, but not least, to the American press.

The latter were a power that generally crushed a man when they got down on him. They had been pretty heavy on the prisoner at first, but when they knew his motives they changed their views, and now they were treating him very fairly. With this introduction the prisoner took up a newspaper and proceeded to read to the jury his published speech.

His manner to the casual observer seemed as completely

self-possessed as usual, but behind the ostentatious affectation of composure there was an intensity of feeling which was only held in control through the undoubted strength of will and nerve which the prisoner has shown all the way through. His excitement was betrayed by a slight hectic spot high up upon the cheek of his usually colorless face, and by the unusual deliberation with which be began and for some

time continued to speak.

Whether this excitement was from the merely superficial effect upon his emotions naturally incident to the occasion, or whether it proceeded from a deeper and more overpowering influence—the true realization of his position, an almost convicted murderer, pleading for his life—it were difficult to divine. Whatever the origin or character of the feeling, it finally gained the ascendency over his powers of control, and as he reached that point in the speech, "I have always served the Lord, and whether I live or die"-he broke down completely, stopped, tried to choke down the rising lump in his throat, but found it impossible to keep back a genuine sob. Taking out his handkerchief he buried his face in it a few seconds, wiped his eyes, and with a determined effort started on again. He seemed to recover his composure so quickly that some believed the whole effort was manufactured. His sister, Mrs. Scoville, however, apparently thought otherwise. She was deeply affected and wept and sobbed bitterly for some minutes. After this incident Guiteau continued to read, occasionally adding brief comments upon the text.

As he proceeded with the reading all appearance of nervousness gradually wore off, and with the utmost composure and an unction that bordered upon the ludicrous, the prisoner read on with an attempt at every conceivable form of oratorical, rhetorical, and dramatic effect. His description of the taking off of the President, was given with striking

effect.

At times he closed his eyes or turned them heavenward, moved his body back and forth, sank his voice to a whisper or raised it to high treble. At times the intensity of

his utterances seemed to react upon himself, but the effect was but transitory, and with the exception of the one instance noted there was no other indication of breaking down. At frequent intervals he paused to emphasize some sentence or sentiment, by repeating it or commenting upon it.

At one time, pausing, he leaned towards the jury, and emphasizing with his head and hands, said with an attempt at great solemnity of utterance: "I tell you, gentlemen, just as sure as there is a God in Heaven, if you harm a hair of my head this nation will go down in blood. You can put my body in the grave, but there will be a day of reckoning." Guiteau concluded his address at 12.15, whereupon the Court adjourned.

On Monday, the 23d of January, the crowd which assembled at the court house was unprecedented in the history of the trial, and Judge, counsel, and others entitled to be present had to elbow their way through a mass of humanity which surrounded every entrance to the court room. The prisoner having been placed in the dock the Court was called to order. The proceedings were opened by the pris-

oner himself, who exclaimed:

"I spent yesterday in examining my mail—several hundred letters—a good many of them from ladies and several of them very tender. I desire to express my sympathy and thanks for these tender letters received from American ladies. One letter suggests that President Arthur give me a Cabinet appointment. I do not desire any office from General Arthur. It would not be proper, and if it would I don't desire it. I also wish to say to Judge Porter that he is to have the final close on this case, and that if he attempts to mislead that jury about the law or about the facts, my counsel and myself will stop him. He came into this case hast October, at the instance of General Arthur, under a misapprehension, and Judge Porter does not represent the American people or the government of the United States. In this case he represents himself."

A few minutes past ten Mr. Porter proceeded to address the jury. His voice was very weak and low, evincing traces of his recent illness, and it was very difficult, at a slight distance from him, to catch any of his sentences in a complete form. He said that thus far the trial had been conducted by the prisoner and Mr. Scoville. Everybody had been denounced at their will and he was informed that he was to be interrupted by them both. He would say in justice to the prisoner that of the three arguments

which had been made by him and his associate counsel the one most free from objection was that delivered by himself. Aside from the impiousness of his statements, it was free from the deliberate misstatements and perversion of testimony that ran through the arguments of his associate counsel. In the addresses of the other two counsel, and especially of Mr. Scoville, there had been an attempt to carry out the plan first proposed of misrepresentation and perversion of testimony. It was deliberate,

designed, cunning, done by subterfuge and indirection.

My relations to this case, he continued, are simply those imposed on me by the government, and most cordially accepted by me, because I believed that the interests of public justice demanded that the cold-blooded and deliberate assassin of President Garfield shall not leave this dock until he is under sentence of death; that he shall leave off the shackles he wears only to pass to the shackles of the murderer's cell. He must then invoke the mercy of that God who spares even him who spares not. He did not spare Garfield, though he said he was a good man, whom he was transferring to paradise; he did not spare that wife who by her leaning on Garfield's arm saved his life on one occasion. He swears that if she had leaned on the President's arm on the 2d of July it would have saved him. He did not spare that aged mother whom the son so loved. Overcome by this overwhelming feeling even on his inauguration day, after President Garfield had kissed the book of God and taken his constitutional oath, he with the same lips pressed the lips of that mother in the presence of the American people. He did not spare her. He spared no one.

A murderer at heart then, he is a murderer at heart now, and he has shown it. You, gentlemen, have witnessed the daring of this man on this trial. I wish to know if, unshackled and assured of the mock defence of insanity to protect him, he had held the bull-dog pistol in his hand he would not have put an end to this trial the other day when His Honor, in his own personal views of propriety, prohibited him from making a last speech, and His Honor, who had been the object of his fulsome praise, would have become the object of his fiend-like hate. In the violence of his temper he warned His Honor that he would erase from the records he had made for the American people and for all time the commendation he had bestowed upon him and would

send his name blackened down the course of history.

Do you believe that the man who shot the President, who dogged him at night and went to church to murder him, would not, if he had felt safe, instead of sending His Honor's name coupled with infamy thundering down the ages, have sent a cartridge into His Honor's breast—this man who appeals to you in tears and with such pathos through his counsel for dew-fallen mercy? This man showed his idea of mercy to others when on one occasion he turned to you and said that God, whose name he has so often blasphemed, would interfere to strike down one of your number before you should be able to convict him. This is

the man who invokes the tender and merciful consideration of his case—a man brutal in his instincts, inordinate in his love of notoriety, eaten up by a thirst for money which has gnawed at his soul like a cancer, a beggar, a hypocrite, a canker, a swindler, a lawyer, who, with many years practice, never won a case. Would you know why? No Court, no jury, failed to see that he was a dishonest rogue, and such men cannot win cases. who has left his trail in various States; a man who has lived on other people's funds and appropriated them to his own use and breach of every trust; a man who is capable of aping the manners of gentlemen; a man who, as a lawver, had this notion of morality, that when he had taken debts to collect and collected them by dunning the debtor, held them against his client and chuckled over the success of his scheme; a man who sold oroide watches or pawned them to get money through falsehood and misrepresentation.

The Prisoner—That lie seems to stick in your throat, Porter. Proceeding with his speech he eulogized Mr. Garfield as a soldier, a lawyer and a statesman, and said that so high was his reputation he had been elected to the Presidency by a vote so clear and so strong that all the people said "Amen." And that was the man, he said, against whose life this prisoner had been plotting for six weeks; plotting without malice, as he said; plotting with no counsel, except the fiend of darkness, who had prompted

the crime.

"Praying is the word," the prisoner exclaimed.

Plotting and plotting for six weeks (continued Mr. Porter) the murder of the President. Is there any dispute about that? He swears to it. He complains that I call him an assassin. I called him an assassin from the moment he swore that he was one. You call him an assassin. The law calls him one. I tell him that he is a murderer from the moment he says he did commit "so-called" murder. His oath is contradicted by almost every witness he has called to the stand in one particular or another, which of itself condemns him as unworthy of belief. But his testimony is that for two weeks after he (not God) formed the conception he kneeled every night at the feet of God (with whom he says he is now very well satisfied) and prayed to have Him work a miracle in order to find out whether, after all, this was not an inspiration of the devil, and as he worked no miracle he concluded that it was an inspiration from God.

The Prisoner—If you prayed more you would be a better man than you are and you would not drink so much fine wine. I pray every night and morning. I pray before I eat. I wish you would and you would be a better man. You would not be here "for blood-money." You represent nobody in this case but your-

self, Porter.

Mr. Porter—This man professes to believe that the God who spoke to Moses and the Christ who spoke to Paul in order to replace Judas, who had been false to his trust, inspired this mur-

der. He tells you, on his own oath, that he meditated the means, that he contrived the vindication, that he prepared the papers which were to vindicate him before God and man, that he revised his inspired book and altered the inspiration of God, blotting out "hell" in his book as a preliminary to the murder of President Garfield and substituting the milder term "perdition." Does inspiration need alteration by the very man who receives it?

Mr. Porter reviewed the history of the case, the purchase of the pistol, the prisoner's practicing by the river side, the various occasions when he was deterred from the murder, etc. In regard to the incident of the practicing at the river side he said: Who was it that was practicing—the Deity or the prisoner at the bar? He rehearsed the scene at the depot and said that after Guiteau fired the bullet he turned to run. Run where? Run to the jail. He was careful in the very last moment of his own safety.

Judge Porter referred to the claim that the prisoner had been making that the pistol and newspapers were with him. He denied it. He had yet to see the first newspaper published in America that ventured to defend this criminal. I have seen occasional articles before the trial and one or two since doubting whether he might not have been insane, but all of them denouncing the Court, the administration of justice, everything and

everybody, because this man was not tried and hung.

The Prisoner—That is bosh and do not forget it, Mr. Porter.

The Court then adjourned.

On Tuesday the pressure about the court house was as great as on the previous day.

Judge Porter entered the room by the jurors' door shortly before 10 o'clock, and, bowing pleasantly to the jury, took his place at the prosecution table. As soon as the court was opened he stepped to the space in front of the jury and was about to resume his argument, when the prisoner forestalled him, and called out from the dock:—"I desire to say that some crank has signed my name to a letter that appeared in the papers this morning. It was without my authority, and I repudiate it. I also want to say in regard to a couple of cranks that I understand have been arrested for hanging around here, if they undertake to harm me they will be shot down. I want everyone to understand this."

Judge Porter, who had paused to permit this preliminary announcement, began by saying:—The prisoner, as usual has made the opening speech. After thanking the Court and jury for their

consideration, Judge Porter continued his speech.

This whole defence, he said, has been a sham and an imposture. An imposture which was supposed to have gained a strength of credence from reiteration. The truth asserted by this defence is that truth which is uttered with effrontery, enforced by persistency, and repudiated by reiteration.

This is the truth which they assert in opposition to that truth which you are to ascertain and declare. In my remarks yesterday I showed you how the prisoner has belied by his acts his profession, how he has belied by his acts the character given him by his counsel. I showed you that he had been a liar, a swindler, a murderer at heart from the beginning. That this man has grown worse every year of his life we have all seen and know. Guiteau—"That's bosh, and you know it, Porter."

Judge Porter continued to depict the character of the prisoner and the fallacies of his defence, when Guiteau again and again interrupted him, at one time calling out, "Attorney-General MacVeagh wouldn't have anything to do with it."

Judge Porter, half replying to the prisoner, said: "And this Christian gentleman would have you even believe that Attorney-General MacVeagh had dipped his hands in Garfield's blood,"

The first serious outbreak of the morning occurred when Judge Porter—adverting to the statement of the prisoner's counsel and the reiterated assertions of the prisoner himself, that the notes of the stenographer were destroyed by the prosecution because they would have benefited the defence—denied the right of the defence to expect or demand to see papers prepared by the prosecution solely for their Furthermore, said Judge Porter, there was not contained in them anything as asserted by the defence that would have improved their standing in this case. Mr. Scoville insisted upon being heard, and demanded that the Court should stop counsel from making any such statements on his own authority as to the contents of papers which had not been in evidence before the jury.

Judge Porter insisted he had a right to deny statements

of the same character made by the other side.

Judge Cox thought the counsel had no right to make

any statement as to the contents of such papers.

Judge Porter, with much feeling, protested that he had been a practitioner longer than the Judge, and had never before heard such a ruling. He (Porter) was, of course, debarred from taking a legal exception, but he must protest against the unfairness of the position which would admit all sorts of statements from the prisoner and his counsel, and yet would debar the prosecution from all opportunity of refutation.

Colonel Reed, with considerable excitement, but without rising from his seat, said, If I was the Judge I would put him under arrest. Such insolence to the Court should be punished.

Mr. Porter now resumed his argument. He asked who it was that killed President Garfield?

"The doctors," shouted the prisoner.

Mr. Porter-The doctors, responds the prisoner.

The Prisoner—That is what most people think about it.

Mr. Porter—Has not the defence that the doctors killed him been abandoned?

The Prisoner-The Lord allowed them to confirm my act.

They were the immediate cause of his death.

Mr. Porter—I am afraid the prisoner has not the latest intelligence from heaven, for he said that the inspiration left him an hour after he killed the President. Who killed Garfield? The prisoner says "Secretary Blaine." He says, in his testimony, Secretary Blaine is responsible for the murder of President Garfield.

The Prisoner-I said "morally responsible," sir.

Mr. Porter—Who else is responsible for the death of Garfield? Mrs. Garfield—because the prisoner swears that when he saw that honored lady leaning on her husband's arm, her presence on that occasion saved his life; and so if she had been with him on the 2d of July the prisoner would not have shot President Garfield.

Referring to Mr. Reed's suggestion about Mrs. Garfield praying in behalf of the prisoner, Mr. Porter said: "Imagine what sort of scenes these are that counsel thus brings up. Imagine the aged mother of the President coming before you, draped in black. Imagine, according to the old custom of the English laws, this trial taking place in the presence of the corpse of Garfield, mutilated by the murderer, wrapt in white linen, through which it was supposed the mere approach of the murderer would start the blood-flow. Imagine Garfield lying there, not one of the clavicles of his backbone, but the whole man, cold in death, with the death-sweat not even yet dry on his brow, with the expression of agony which this prisoner put there, and with the cowering assassin youder shrinking from approach to the body, which was required by the old process of bier rite. Imagine the aged mother, who had looked to that son to close her eyes in death, bowing with grief at the coffin-head, with Mrs. Garfield, whose lips were the last that touched the cold lips of the President, sitting at his feet in dust and ashes. If in such a scene Mr. Charles H. Reed stood up and said: "The woman who seems to you to be kneeling only to God in her sorrow, is kneeling to God in prayer that this murderer shall be dealt with leniently," what would you think of it? It is well for us all, gentlemen, that the law does not call upon jurors to leave the only immortal part of their nature—their mortal nature—outside of the court house when they

come to administer justice.

Who else killed Garfield? John H. Noyes, says the prisoner. He killed Garfield—he from whom the prisoner stole his lecture on the Second Advent and on the Apostle Paul. Who else killed Garfield? The prisoner's father—that father whom he struck from behind when he was eighteen years of age ("I never struck hm," said the prisoner), and whom he said he would never foreive.

"I never said so," said the prisoner.

That father with whom, he says, he was not on speaking terms for the last fifteen years of his honored life. Who else killed Garrield? The mother of this prisoner, who was guilty of the inordinate atrocity of having a temporary attack of erysipelas just before he was born and leaving him an inheritance of congenital monstrosity. Who else killed Garfield? This prisoner's drunken and dissolute Uncle Abraham, who, although he was never insane himself, transmitted insanity to the prisoner, though he was not his father, nor his mother, nor his grandfather, nor his grandmother. Who else killed Garfield? The prisoner's cousin, Abby Maynard.

The Prisoner—If all these people killed General Garfield you

had better discharge this indictment.

Mr. Porter—Who else killed Garfield? All these do not seem to have been enough to kill him.

The Prisoner—They are enough to have killed your whole case

according to your own statement.

Mr. Porter-Who else killed Garfield? The Chicago Convention which nominated him for the Presidency? The convention was inspired according to the prisoner's statement. He says: "His nomination was an act of God, and if he had not been nominated and elected I could not have killed him." This prisoner claims that he was appointed by God to kill him. He, with his swindling record—he, a liar from the beginning—he who struck his father—who lifted an axe against his sister—who struck his brother-he was commissioned to correct the act of the convention and of the people by murdering the President. These are the defences put forward by this praying prisoner and by his praying counsel, in order to divert your attention from the fact that the man who killed Garfield sits there (pointing at the dock), and although Garfield is dead, the prisoner speaks and has spoken on the witness-stand those words which prove him to be not only the assassin, but the meditating, deliberate, sane and responsible assassin of the President. But that is not enough. The press killed Garfield. The press is solemnly indicted by the murderer and his associate counsel; indicted without the formality of a grand jury; accused by the oath of the murderer; found guilty by the murderer: charged with responsibility by the murderer. But fortunately he no longer holds the bull-dog pistol in his hand, and the press is only to be convicted of the murder of Garfield by the bad tongue of a murderous liar. This man slaughtered Garfield as he would have slaughtered a calf that he wanted to eat ("the doctors did that," said the prisoner), and, having disposed of him in that way, in comes his counsel and charges with the crime those who occupy too lofty a position to notice the vipers that said it, and who would have degraded the

dignity of their office by noticing it.

After the recess Mr. Porter resumed his argument. Referring to the prisoner's desire for notoriety, he said that he had made himself illustrious by having his hand stained by illustrious blood. That man undertook to award immortality to the jury or immortality to the Judge, and he has, through his counsel, told them that their names would go down blackened, unless they violated their oaths, and that his (Mr. Porter's) name was to go down blackened unless he came to the rescue of the prisoner.

The Prisoner—I never said so.

This man is an actor. While in jail he has borne his natural part, but here he has been constantly on the stage posing for you and carrying out the suggestions of his counsel. This man is neither a crowned nor an uncrowned king. Although he has sworn to you repeatedly that he was prepared to meet his God, there is not a soul in this vast assemblage who shrinks with such abject cowardice from confronting the Deity.

The Prisoner—That is absolutely false, Porter, and you know it. You are an infernal scoundrel, and God Almighty will put you down below, too, with Corkhill—(snappishly, to the bailiff at his side: "You mind your own business, sir")—such a misera-

ble, stinking whine as that is.

Mr. Porter—I believe that there is not a single dishonest juror in that box. They are God-made men, and the result will show whether my prediction is correct. And now I ask not who killed Garfield, but did this man murder Garfield, and did he know what he was doing? If he did, then he is, as I understand the law, responsible.

At quarter past three, Judge Porter not having concluded his argument, the Court adjourned.

CHAPTER XXVII.

Conclusion of Judge Porter's Able Speech.—Judge Cox's Solemn Charge.—Guilty.—The Assassin of President James A. Garfield Convicted.—The Jury out but a Few Minutes.—Applause from the Audience.—How Guiteau Received the Verdict.—His Confidence that the Verdict will be Reversed.—When Guiteau can be Hanged.—A Motion for a New Trial Contemplated.

From the moment the assassin entered the court room on Wednesday, the 25th day of January, the last day of his remarkable trial, he showed even more bad temper and insolence than on previous days. At short intervals he interrupted Judge Porter by crying out the grossest insults and foulest invectives. He even insulted the officers of the court, who surrounded his dock, and was evidently desperate.

Before Judge Porter could resume his argument Guiteau broke in with the statement that his sister had been doing some very silly talking in Chicago. She meant well, but

she was no lawyer.

Mr. Porter then proceeded with his speech. He had reached a portion of the argument which was wearisome to him and would be still more wearisome to the jury. It was the dry portion of evidence, having no interest but that which resulted from the revulsion of human nature at the facts which had been exposed. He intended, because he had confidence in the jury, to make it brief. If it were possible to condense the few salient points into a few hours he hoped not to detain the Court even this afternoon. His plan had been otherwise, but he had been admonished by the snow of the change of seasons, and he felt that it was important that this trial should come to an end. If he passed hastily over some topics which ought to be considered he would rely on the jury to supply his deficiency.

Referring to the testimony of Dr. North he stated that that witness came here to swear this case through by fixing upon his benefactor, Luther W. Guiteau, the guilt of this murder in

transmitting his own blood to his son. That witness had left the stand after having planted a quivering barb in the heart of the prisoner. If this man were innocent now he was guilty then, for he was animated by the spirit of murder when he struck his father, taking him at a disadvantage and fighting him in the spirit of a devil. In his turbulent passion and egotism and wrath and hate of all mankind he turned, in his spirit of selfishness, his hand upon his honored father, and provoked that father to a fight, from which he (the prisoner) retreated with the ignominy of the coward, as—like a coward—he shot the President in the back.

Mr. Porter then referred to the testimony of the prisoner's brother in order to show, as he said, that when the prisoner was forty years of age, when he had murdered Garfield and when Garfield was dead, this brother, from the circumstances and from his antecedent knowledge of the prisoner, said that the prisoner was sane and responsible. All that had changed that opinion was the acting of the prisoner himself and the production of a letter from the father which he regarded as evidence of insanity, but which I regard as evidence of depravity. The jury would recollect that this was a witness who had stood by the prisoner with the fidelity of a brother—who, though wronged, had come here and was ready to contribute from his means, from his energy, from his exertion, from all that he could to save this man's life, and yet he had been compelled to utter this truth before the jury. He believed John W. Guiteau to be an honest man; feeling naturally the bias which inclines one to save a brother's life and to save a father's name from infamy. But this brother was an honest man. Although under the circumstances the opinions of John W. Guiteau was no safe guide to the jury, the facts stated by him were facts that were rooted as the oak tree is rooted and cannot be removed. They might as well attempt to uproot that oak as to uproot the conviction which this testimony must carry to their minds. However it might have been on the 2d of July, prior to that he was no more insane than the jury, the Judge or the counsel. This little circumstance was one of these things that spoke to the consciousness. Was it depravity, weakness or selfishness, or was it disease of the brain, curable in an hour by an act of murder?

When Mr. Porter referred to the fact of the prisoner swindling boarding-house keepers, Guiteau cried out excitedly, "It's a mean, dirty thing for you, Porter, to dig up my board bills. You

owe a thousand times more than I do."

Mr. Porter, continuing, quoted ironically from the various statements of the prisoner that the stalwarts were responsible for President Garfield's murder; that the half-breeds were responsible; that the democratic and stalwart press were responsible; that it was the rebels who were not in rebellion. Mr. Porter then went on to review that portion of J. W. Guiteau's testimony in which he refers to a quarrel between his brother and himself.

The Prisoner (excitedly)—Porter thinks I am a man of deprayity, who fought with my brother and my father and tried to kill my sister. That's all bosh. It only shows the mean, dirty spirit of this man Porter. A saint from heaven could not stand it to be abused by this man Porter, and I can't stand it. I will relieve my mind and tell what I think about it. I have always been a peaceable man and I never quarrelled with anybody. It is a perfect outrage for you to come and bulldoze that jury by saying I am a fighting man. It is a lie.

Mr. Porter-It is on the authority of his brother's oath.

The Prisoner—He is no brother of mine; we were not on speaking terms. It is mean for you to come and put that man up as my brother. I would not have spoken to him at the Fifth Avenue Hotel last spring. I don't like his style or my father's style. My sister sympathised with me and my brother sympathized with

my father.

Judge Porter then, referring to the reference by Colonel Reed to Charlotte Corday, said it was left to Reed to make the discovery and to announce to this Court and to the world that Charlotte Corday was insane. He called Charlotte Corday's act pure patriotism. She was no sneaking coward. She devoted herself to the work, not after having provided for her own safety; not with the idea of securing rewards from others.

Here the prisoner broke out into wild exclamations, of which only the following were intelligible: "God Almighty will follow you up, Porter. Those are my sentiments about this murder. I am not afraid to die. God Almighty will smite you and curse

you. You are a liar!"

Mr. Porter—The prisoner and his counsel made the discovery at the Corcoran Art Gallery that Charlotte Corday, who will live immortal in history as one ready to give her own life for the country—

The Prisoner (interrupting)-That is me, and don't you forget,

you old whelp.

Mr. Porter (finishing the sentence)—Was insane, forsooth. Mr. Reed would place this murderer by the side of that girl, who

gave her life that others might live.

Next Judge Porter compared the prisoner to Wilkes Booth and showed the latter to be almost a patriot compared with the cowardly assassin now on trial, for Booth was actuated by a mistaken motive of patriotism and was a man of manhood and manliness. But this sneaking, cowardly wretch, who could plan for his victim's death and his own safety at the same time, murdered his man for revenge and for notoricty.

The Prisoner—That is a lie, and you know it, Booth shot

Lincoln from revenge. I shot Garfield as a patriot.

Mr. Porter (continuing)—This coward, this disappointed office-seeker—

The Prisoner-You are a liar, and you know it.

Mr. Porter (finishing the sentence)—This malignant, diabolical,

crafty, calculating, cold-blooded murderer, providing for death to his victim and for safety to himself, would you compare him with Wilkes Booth?

The Court here took a recess, and after the assembling Mr. Porter resumed his argument to the jury. He proceeded to analyze the testimony, the various interruptions and the speech to the jury of the prisoner, commenting on various sentences as he went along, and was met by constant interruptions and virulent remarks by the prisoner in the dock. At times it was a regular duel between counsel and prisoner, both of them speaking at the same time. Finally Judge Porter, looking the jurors square in the eyes, began to close his argument. In a few words he told them that he trusted that the verdict would be prompt and that it would represent the majesty of the law. "I trust," he concluded, "that the time shall come, in consequence of the attention that shall be called to the considerations growing out of this trial, when, by an international arrangement between the various governments, the law shall be so strengthened that political assassins shall find no refuge on the face of the earth."

Judge Porter concluded his address shortly after three o'clock, whereupon Mr. Scoville asked the Court to adjourn, so that he and Mr. Reed could prepare what they would like to have inserted in the charge. The jury being questioned by the Court and District Attorney, signified their desire to get through the case, and they were accordingly charged. During the delivery of the Judge's charge Guiteau sat with his elbow or arm resting on the dockrailing and made but three interruptions. These were in the nature of suggestions relative to what he thought or rather hoped might be inserted in the charge, and showed his usual clearness of mind.

In beginning his charge Judge Cox spoke of the rights guaranteed a criminal by the Constitution. It was a consolation to think that not one of these rights had been violated. Before proceeding further he wished to notice an incident which had taken place pending the recent argu-

ment. The prisoner had frequently taken occasion to proclaim that public opinion, as evidenced by the press and correspondence, was in his favor. Those declarations could not have been prevented except by the process of gagging the prisoner. Any suggestion that the jury could be influenced by such lawless clattering of the prisoner would have seemed to him absurd, and he should have felt that he was insulting the intelligence of the jury if he had warned them not to regard it. Counsel for the prosecution had found it necessary, however, in the final argument, to interpose a contradiction to such statements, and an exception had been taken on the part of the accused to the form in which that effort was made. For the sole purpose of purging the record of any objectionable matter he should simply say that anything which had been said on either side in reference to public excitement or to newspaper opinion was not

to be regarded by the jury.

Judge Cox went on to define murder. Murder was committed when a person of sound memory and discretion unlawfully killed a reasonable being with malice aforethought. Wherever a homicide was shown to have been committed without lawful authority and with deliberate intent, it was sufficiently proved to have been done with malice aforethought, and malice was not disproved by showing that the accused had no personal ill-will to the deceased and that he killed him from other motives, as, for instance, robbery or through mistaking him for another, or (as claimed in this case) to produce a public benefit. If it could be shown that the killing occurred in a heat of passion or under provocation, then it would appear that there was no premeditated attempt and therefore no malice aforethought, and that would reduce the crime to manslaughter. It was hardly necessary, however, to say that there was nothing of that kind in the present case. The jury would have to say either that the defendant was guilty of murder or that he was innocent. In order to constitute the crime of murder the assassin must have a reasonable sane mind; in technical terms he must be "of sound mind, memory and discretion." An irresponsibly insane man could not commit murder. If he was laboring under a disease of the mental faculties to such an extent that he did not know what he was doing or did not know it was wrong, then he was wanting in that sound mind, memory and discretion that was a part of the definition of murder. In the next place every defendant was presumed innocent until the accusation against him was established by proof. In the next place, notwithstanding this presumption of innocence, it was equally true that a defendant was presumed to be sane and to have been so at the time the crime was committed. That is to say, that the government was not bound to show affirmatively, as a part of its proofs, that the defendant was As insanity was the exception, and as the majority of men are sane, the law presumed the latter condition of every man until some reason was shown to believe the contrary. The burden was therefore on the defendant, who set up insanity as an excuse for crime, to produce proofs in the first instance to show that that presumption was mistaken so far as it related to the prisoner.

Crime, therefore, involved three elements—the killing, malice and a responsible mind in the murderer. After all the evidence was before the jury, if the jury, while bearing in mind both those presumptions (that is, that the defendant is innocent till he is proved guilty and that he is sane till the contrary appears), still entertained what is called a reasonable doubt on any ground or as to any of the essential elements of the crime, then the defendant was entitled to the benefit of such a doubt. The only certainty that the jury could have was a moral certainty, depending on the confidence which the jury had in the integrity of witnesses and in their capacity and opportunity to know the truth. All that a jury could be expected to do was to be reasonably and morally certain of the facts which they declared to be their verdict. That the defendant fired at and shot the deceased President was abundantly proved. That the wound was fatal had been testified to by the surgeons who were competent to speak, and they were uncontradicted.

That the homicide was committed with malice aforethought (if the defendant were capable of criminal intent or malice) could hardly be gainsaid. It was not necessary to prove that any special or express hatred or malice was entertained by the accused toward the deceased. It was sufficient to prove that the act was done by deliberate intent, as distinct from an act done under a certain impulse, in the heat of blood, and without previous malice. Evidence had been exhibited to the jury tending to show that the defendant admitted in his own handwriting that he had conceived the idea of "removing the President," as he called it, six weeks before the shooting; that he had deliberated upon it and come to a determination to do it, and that about two weeks before he accomplished it he stationed himself at certain points to do the act, but for some reason was prevented. His preparation for it by the purchase of the pistol had been shown. All these facts came up to the full measure of the proof required to establish what the law denominated malice aforethought. The jury would find little difficulty in reaching a conclusion as to all the elements that made up the crime charged in the indictment, except it might be as to the one of sound mind, memory, and discretion; but that was only a technical expression for a responsibly sane man.

He now approached that difficult question. He had already said that a man who is insane in the sense that makes him irresponsible cannot commit a crime. The defence of insanity had been so abused as to be brought into great discredit. It was the last resort in cases of unquestioned guilt. Nevertheless, if insanity were established to a degree necessary, it was a perfect defence for an indictment for murder and must be allowed full weight. It would be observed that in this case there was no trouble with any question about what might be called total insanity, such as raving mania, or absolute imbecility, in which all exercise of reason is wanting and where there is no recognition of persons or things or their relations. But there was a debatable border-line between sanity and insanity, and there

was often great difficulty in determining on which side of this line a party was to be put. There were cases in which a man's mental faculties generally seemed to be full of vigor, but where on one subject he seemed to be deranged.

The Judge went on to comment on the different phases of insanity, speaking of cases called partial insanity. It was difficult to determine in such cases whether the patient had passed the line of moral or legal accountability for his actions. The jury would bear in mind that a man did not become irresponsible by the mere fact of his being partially insane. Whenever this partial insanity was relied on as defence it must appear that the crime charged was a product of the delusion or other morbid condition and connected with it as effect with cause, and that it was not the result of sane reasoning which the party might be capable of. The instructions which he had already given to the jury imported that the true test of criminal responsibility, where the defence of insanity was interposed, was whether the accused had sufficient use of his reason to understand the nature of the act with which he was charged and to understand that it was wrong for him to commit it. If those were the facts he was criminally responsible for the act, whatever peculiarities might be shown of him in other respects. On the other hand, if his reason were so defective in consequence of brain disease that he could not understand what he was doing, or could not understand that what he was doing was wrong, he ought to be treated as an irresponsible lunatic. As the law assumed every one, at the outset, to be sane and responsible, the question was, What was there in this case to show the contrary as to this defendant? A jury was not warranted in inferring that a man was insane from the mere fact of his committing a crime or from the enormity of the crime, because the law presumes that there is a bad motive and that the crime is prompted by malice if nothing else appears. Perhaps the easiest way for the jury to examine into the subject was, first, to satisfy themselves about the condition of the prisoner's mind for a reasonable period of time before any conception of the assassination had entered it, and also at the present time, and then consider what evidence exists as to a different condition of mind at the time of the commission of the act. He should not spend any time on the first question, because to examine it at all would require a review of the evidence relating to over twenty years of the prisoner's life, and this had been so exhaustively discussed by counsel that anything he could say would be a wearisome repetition. It was enough to say that on the one side this evidence was supposed to show a chronic condition of insanity before the crime, and on the other side to show an exceptionally quick intelligence and decided powers of discrimination. The jury would have to draw its own conclusions.

It would be seen that the reliance of the defence was the existence of an insane delusion in the prisoner's mind, which so perverted his reason as to incapacitate him from perceiving the difference between right and wrong as to this particular act. He went on to say that the subject of insane delusions played an important part in this case and demanded careful consideration. The most certain thing was that an insane delusion was never the result of reasoning and reflection, was not generated by them, and could not be dispelled by them. The question for the jury to determine was, What was the condition of the prisoner's mind at the time when this project was executed? If he were sufficiently sane then to be responsible, it mattered not what might have been his condition before or after; still evidence had been properly admitted as to his previous and subsequent condition because it threw light, prospectively and retrospectively, on his condition at the time. Inasmuch as these disorders were of gradual growth and of indefinite continuance, if he were insane shortly before or shortly after the commission of the crime it was natural to infer that he was so at the time, but still the evidence must centre around the time when the deed was done. Judge Cox then went on to quote from the papers found in Guiteau's possession at the time of the assassination and

from his statement to the witness Reynolds and from his statements to the public. And now, the Judge said, he would pass to consider the import of all this. The jury would consider first whether this evidence fairly represented the feelings and ideas that governed the prisoner at the time of the shooting. If it did it represented a thing which he (Judge Cox) had not seen characterized in any

judicial utterance as an insane delusion.

They would consider whether it was evidence of insanity or whether, on the contrary, it showed an ample power of reasoning and reflection on the arguments and evidence for and against, resulting in the opinion that the President had betrayed his party and that, if he were out of the way, it would be a benefit to his party and would save the country from the predominance of their political opponents. So far there was nothing insane in the conclusion. It had doubtless been shared by a good many heated partisans who were sane people, but the difference was that the prisoner reached the conclusion that to put the President out of the way by assassination was a political necessity. When men reason the law required them to reason correctly so far as their practical duties were concerned. When they had the capacity to distinguish between right and wrong they were bound to do it. Opinions properly so called (that is, beliefs resulting from reasoning, reflection, and the examination of evidence) afforded no protection against the penal consequences of crime. A man might believe a course of action to be right and the law might forbid it as wrong. Nevertheless, he must obey the law, and nothing could save him from the consequences of the violation of the law except the fact that he was so crazed by disease as to be unable to comprehend the necessity of obedience. [In this connection Judge Cox quoted the decision of the Supreme Court in the Mormon case.] In like manner, he said, a man might reason himself into a conviction of the expediency and necessity of protecting the character of a political association; but to allow him to find shelter from punishment behind that belief would be simply monstrous.

Judge Cox said that the prisoner seemed to have gotten an idea that, in order to unite the Republican party and to save the Republic, whatever means were necessary would be justifiable. If that was the whole of his position it presented one of those vagaries of opinion, even if sincere, for which the law had no accommodation and which furnished no excuse whatever for crime. There was undoubtedly a form of insane delusion consisting of a belief by a person that he is inspired by the Almighty to do something, to kill another, for example, and this delusion might be so strong as to impel him to the commission of crime. The defendant in this case claimed that he labored under such a delusion at the time of the assassination. His unsworn declarations in his favor were not, of course, evidence, and were not to be considered. No verdiet could be safely rendered on the evidence of an accused party under such circumstances. Otherwise a man on trial for his life could secure his acquittal by simply testifying that he had committed the crime under a delusion or inspiration or irresistible impulse. He went on to describe characteristics of that form of delusion, saying that the idea of being inspired might be either a sane belief or an insane delusion. If a man insanely believed he heard a voice from Heaven that would be a case of imaginary inspiration. The question was whether the case of this defendant presented anything analogous to that. The theory of the government was that the defendant committed this homicide in full possession of his faculties. Judge Cox commented at length upon this branch of his charge, and said that the only safe rule was for this jury to direct its attention to the one test of criminal responsibility, namely, whether the person possessed the mental capacity at the time the act was committed to know that it was wrong, or whether he was deprived of the capacity by mental disease.

And now, gentlemen, to sum up all I have said to you, if you find from the whole evidence that at the time of the commission of the homicide the prisoner was laboring under such a defect of his reason that he was incapable of

understanding what he was doing or of seeing that it was a wrong thing to do, as, for example, if he were under the insane delusion that the Almighty had commanded him to do the act, then he was not in a responsible condition of mind, but was an object of compassion and should be now acquitted. If, on the other hand, you find that he was under no insane delusion, but had the possession of his faculties and had power to know that his act was wrong, and if, of his own free will, he deliberately conceived the idea and executed the homicide, then, whether his motive were personal vindictiveness, political animosity, a desire to avenge supposed political wrongs, or a morbid desire for notoriety, or, if you are unable to discover any motive at all, the act is simply murder, and it is your duty to find a verdict of guilty as indicted. Or (after a suggestion from Mr. Scoville to that effect) you find that the prisoner is not guilty by reason of insanity, it is your duty to say so. You will now retire to your room and consider your verdict.

During the delivery of the Judge's charge, which was completed at 4.40 P. M., there was perfect stillness in the crowded court room, and even the prisoner kept absolutely quiet, with the exception of one or two simple interruptions.

The jury immediately retired.

It was now almost dark and but few persons could see Guiteau. He was anxious for the Court to adjourn.

"The jury will return a verdict in an hour," said Bailiff

Tall to him.

"That jury will never agree," replied Guiteau.

"You had better come to the Marshal's office until the jury returns," urged Bailiff Tall. Thereupon Guiteau asked the Court to let him go to the office, and he was conducted there by the officers. Reaching there he was pale, nervous and agitated, but at once began to declare it impossible for the jury to agree, as there were men on it who knew he was inspired.

"Why these men are not going to be governed by your Oneida Community idea of inspiration," remarked Bailiff

Tall.

This displeased the prisoner, who earnestly replied:—
"You don't know what you are talking about. There are high-toned Christian gentlemen on that jury who under-

stand my case."

After the jury had been out about twenty minutes a recess was taken until half-past five o'clock. Before leaving the court room Guiteau evinced considerable nervousness. but on getting away to comparative seclusion his usual composure and assurance returned to him. He sent out for some apples, with which he treated his attendants, meanwhile chatting familiarly and good-naturedly. He was asked what he thought the jury would do, and replied :-"I think they will acquit me or disagree, don't you?" Within ten minutes after the recess had been taken the jury called to the bailiff in waiting that they were ready with their verdict. They were informed that a recess had been taken and that Judge Cox had left the court room, so they remained in their room until the court reassembled. The rumor that the jury had agreed was quickly spread from one to another and the excited crowd surged back into the court room and with eager expectancy anxiously awaited what all seemed to expect—a verdict of guilty. The musty, antique room is devoid of gas and the score or more of candles which had been placed upon the desks of the Judge, counsel and reporters imparted a weird and fancifully unnatural aspect to the grim old place. The shadows thrown upon the dark background of the walls seemed like flitting spectres to usher in the sombre procession of those who held in their hands the destiny of a human life. First came the prisoner, with quick, nervous step, and as he seated himself in the dock, perhaps for the last time, the light of a solitary candle fell full upon his face and disclosed its more than usual pallor.

Not a tremor of the limbs or a movement of the muscles of the face was observable as he threw back his head and fixed his gaze upon the door through which the jury were to enter. Judge Cox soon afterward took his seat, the crier called "Order" and the jury, at 5.35, filed slowly into

their seats. Every sound was hushed save the voice of the Clerk as he propounded to the foreman the usual inquiry. Clear and distinct came the reply: "We have."

"What is your verdict, guilty or not guilty?"

With equal distinctness came the reply: "GUILTY AS INDICTED."

Then the pent-up feelings of the crowd found expression in uproarious demonstrations of applause and approval.

"Order!" "Order!" shouted the bailiffs.

Mr. Scoville and counsel for the prosecution were simultaneously upon their feet. Mr. Scoville attempted to address the Court, but the District Attorney shouted: "Wait till we have the verdict complete and in due form of law." Order was at length restored and the Clerk, again addressing the jury, said:

"Your foreman says 'Guilty as indicted.' So say we all

of us?"

" We do," they all responded.

Another demonstration of approval followed this announcement, but not so prolonged as the first. Mr. Scoville, still upon his feet, demanded a poll of the jury, which was granted, and each juror was called by name and each, in a firm voice, promptly responded, "Guilty."

As the last name was called the prisoner shrieked: "My blood will be upon the heads of that jury. Don't you for-

get it."

Mr. Scoville again addressed the Court, saying: "Your Honor, I do not desire to forfeit any rights I may have under the law and practice in this district. If there is anything that I ought to do now to save those rights I would be indebted to Your Honor to indicate it to me."

Judge Cox, in reply, assured him that he should have every opportunity; that the charge would be furnished to him in print to-morrow, and he would be accorded all the time allowed by law within which to file his exceptions, and that he would also be entitled to four days within which to move in arrest of judgment.

Guiteau (who from the moment Judge Cox began the de-

livery of his charge had dropped completely his air of flippant arrogance and sat with rigid features and compressed lips) called out in tones of desperation: "God will avenge

this outrage."

Judge Cox then turned to the jury and said: "Gentlemen of the jury, I cannot express too many thanks for the manner in which you have discharged your duty. You have richly merited the thanks of your countrymen, and I feel assured you will take with you to your homes the approval of your consciences. With thanks, gentlemen of

the jury, I dismiss you."

With this announcement the Court was declared adjourned, and the now famous trial, which has absorbed the public interest for more than ten weeks, was ended. The crowd quickly left the court room, and the prisoner, gesticulating with his manaeled hands, was led out. As he passed the reporters' tables he leaned over and called out to an acquaintance: "The Court in bane will reverse this business." His appearance was that of a man deeply moved with indignation at some outrage or indignity which had been put upon him. As he was being put in the van the crowd of men and boys upon the pavement yelled and shouted themselves hoarse in mockery of the prisoner's constant boast, "The American press and people are all with me." The van was quickly driven away, followed till out of sight by the jeers and yells of the crowd.

Mr. Scoville retired to his residence, where he was interviewed by a reporter. He declared the next move in the case would be a motion for a new trial. To a certain extent this action would be merely formal, but the main points on which it would be based were as follows: That the jury erred in rendering a verdict contrary to the law and that they erred in rendering a verdict contrary to the evidence; that Judge Cox in his charge did not base it upon all the evidence, and that the jury during the trial read the newspaper and had conversations with outside

persons.

Mr. Scoville said that should this motion be denied an

appeal would be taken to the Court in banc in April, and, under the law, the defendant is entitled to a suspension of sentence for thirty days after the next general term.

John Wilson Guiteau, the brother of the condemned man, was nearly broken down by grief over the verdict.

"Was the verdict a surprise to you?" asked the reporter.
"A terrible surprise," he replied, "for I was firmly of the mind that the jury would pronounce him innocent on the ground of insanity."

"Do you think your brother has any show for his life?"
"I do not. I consider the case settled. He will die on

"I do not. I consider the case settled. He will die on the gallows, and, mark my prediction, he will die game."

"Do you find any fault with the conduct of the trial?"

"This is not the time for anyone to find fault. I will say this, that while Judge Cox in this trial laid down the law correctly, in my opinion he was prejudiced against the prisoner in summing up the facts. The theory of the prisoner's counsel was wrong from beginning to end."

"What in your opinion should have been the line of de-

fence?"

"The defence should have produced in evidence all the incidents of the prisoner's life, the bad as well as the good, and not allowed the prosecution to make such a point with the jury by painting in glowing colors all his bad deeds. Scoville worked like a hero, but his theory was a bad one. The true theory was that the prisoner was made insane by his deprayed course of life, and that when his mind was shattered the inspiration theory took full possession of him. The prisoner must to a great degree blame himself for the terrible verdict rendered against him. At one time he had general sympathy, but he lost it all by his dictatorial and abusive conduct in the court room."

"Do you still regard him as insane?"

"As insane and irresponsible for his terrible deed, and in-

sane he will suffer death on the gallows."

Every right-thinking man will heartily approve of the verdict, which dooms the assassin of President James A. Garfield to the gallows. Never deserved an infamous

wretch more richly to suffer the penalty which Guiteau cannot now escape. Yet the twelve impartial jurors have found a verdict of guilty in less than thirty minutes. There cannot be any doubt, that the verdict will be sustained.

It cannot be truthfully said that Guiteau has not had an entirely fair and impartial trial. Every constitutional and legal right has been awarded to him, and the refusal to interfere with them on the part of the Court gave a great deal of inconvenience to counsel and occasioned a considerable degree of scandal and censorious comment. Guiteau was as little entitled to consideration as any human being could be, but he, nevertheless, enjoyed every immunity which our fundamental laws guarantee.

CHAPTER XXVIII.

A New Trial Denied to Guiteau-Sentenced to Death.

THE last act of the protracted trial was performed by Judge Cox on Saturday, the fourth day of February, by overruling the motion for a new trial and passing sentence upon Guiteau, who is to die on the gallows on the 30th of June, which falls but two days short of the anniversary of his fiendish crime. Judge Cox took occasion to express his approval of the verdict.

He said in his decision that the motion to set aside the verdict and grant a new trial had been based on various grounds, only two of which were made the subjects of dis-

cussion and need to be considered by the Court.

The first ground in substance was that certain newspaper matter calculated to prejudice the minds of the jury against the prisoner was found in one of the rooms assigned to the jury and passed under their examination and inspection. Undoubtedly, if any undue influence had been used to bring about the verdict, it would be good ground for setting it aside, and the fact that matter in writing or print

calculated to prejudice the jury came into their possession and was examined by them was ordinarily considered as a sufficient ground to vacate the verdict. But the legal intendment was in favor of the verdict, and no verdict ought to be disturbed (and certainly none which had been effected after so much time and labor as this one) without a clear and satisfactory reason for it. Some pertinent observations on this subject were found in the People vs. Gaffney, in which it was decided that justice should not be defeated on the mere suspicion of improper influence on the jury.

The first testimony relied upon in support of this alleged ground was the affidavit of Snyder, to the effect that a certain paper was found by him in one of the rooms occupied by the jury. To the mere fact that, in the absence of the jury, a paper, of whatever character, was found in the vacant room, the Court could attach no significance or weight, for the reason that it was within the power of anybody to place the paper there. It was in the power of any friend of the prisoner to do so. It was in the power of the affiant himself to do so. He might have placed it there and afterward found it, and that fact would not be inconsistent with the truth of the affidavit. He (the Court) did not mean to express any opinion as to Snyder's complicity in this transaction, but he simply stated this to show the facility with which this state of facts could be brought out designedly. A prisoner would have nothing to do but to get a friend to commit the very trick that was suspected and charged by the Government in this very case, and that fact alone would not influence the Court in the slightest degree, and affidavits of the bailiffs and the jury showed that this was not the room of any of the jurors, but was the room of the bailiffs, to which the jurors resorted occasionally for the purpose of signing their autographs, but always under the observation of the bailiffs.

It was further testified, however, by Mr. John W. Guiteau that certain signatures appearing on this paper were in the handwriting of the jurors. If that were true it would follow that the paper was under their observation and in

their hands. It was somewhat surprising at first to find the averment that the affiant was acquainted with the handwriting of the jurors, for obviously that knowledge could not have been acquired in the ordinary way-in the regular course of business or social intercourse. It did not appear, except by statements at the bar, how that knowledge had been acquired. The inference was that it had been acquired by procuring the autographs of those jurors for this special purpose. When it was acquired did not appear, and that might be an important question. It might have been acquired before the making of the affidavit, for the express purpose of allowing the affidavit to be made, and there was great doubt whether knowledge acquired in that way may qualify a person to testify as to handwriting. Such a case appeared in Doc vs. Sycamore. It was a subject of doubt whether if this knowledge had been acquired for the express purpose of qualifying affiant to testify in this ease, it made him a competent witness, and it was obvious that this knowledge was acquired under a certain bias and under circumstances which took away from the influence which would attach to it if acquired in the regular way. Therefore it was that he thought this affidavit was one of doubtful weight. He had not given close criticism to the writing on the paper, but his eye had been attracted by one or two circumstances which were somewhat suspicious. The letter "H" in the initial of Mr. Bright's name was written in two or three different ways, and Mr. Heinline's name was spelled in two ways, and each wrong, which made it extremely improbable that those gentlemen could have written their names themselves. On the other hand, as opposed to the affidavit of Mr. Guiteau, were the affidavits of the four gentlemen whose names were purported to be on the paper, and who testified that the names were in their handwriting. The other jurors did not pretend to know the handwriting of their co-jurors, but united in swearing that no such paper was in the room at all.

And still he (the Court) could conceive that these jurors were honestly mistaken; he could conceive the state of facts

as was supposed by the counsel for the defence, that this newspaper, nearly a month old at the time it was said to have been found, was lying in the room of the bailiff, and that those gentlemen before writing their autographs tried their pen or ink by scribbling on the paper, and yet were so unsuspicious as to ignore its presence and to be conscientiously convinced that no such paper was there at all. He could conceive that state of facts to exist, but could hardly believe it existed after the unanimous affidavits of the bailiffs or jurors that no paper came under their observation at all.

Supposing such a state of things to exist, what could be the consequence? The only effect of that would be to raise a suspicion or a probable inference that the contents of the paper were brought to the notice of the jury; but there was a suspicion and an inference that might be repelled. In this case there was no conflict of testimony as to the contents of the paper having been seen by the jurors. It was the unanimous testimony of all of them that neither that nor any other paper was read by them. There were several cases reported on the books in which it appeared that newspapers or other forbidden matters had found their way into the jury's room, and yet the verdict had not been held to be affected by that circumstance. The Court here quoted the case of Hicks vs. Duering (5 Pickering), where, though a forbidden paper had been found in the jury room, upon the jurors representing that they had not read it, the Court sustained the verdict. In regard to the question whether this paper was read by the jury it was the unanimous testimony of all of them that they saw no newspaper at all while they were engaged in that case, and about that he did not think there was any room for mistake. He had not the slightest ground for suspecting the integrity or veracity of these gentlemen, who make this statement under oath. Nothing was presented which threw a suspicion on the good conduct of the jury in regard to the matter now charged.

It had been suggested that a commission should issue to take testimony; that was practice entirely foreign to com-

mon law courts. Even if he felt that he had the discretion to do so, was the matter before him such as would call for the exercise of such discretion? There was no suggestion that there would be any witness who would swear that the names on the margin of the newspaper were in the handwriting of the jurors. Even if this were true it would not influence the decision of the Court unless it could also be shown that the paper had been read by the jury. It had been suggested that there might be witnesses who were deterred from voluntarily coming forward by public clamor, but who, if a commission were issued, would be compelled to appear and testify. But there was no averment that in point of fact any such witnesses existed; it amounted to an application to the Court to send out a roving and fishing commission to seek evidence to invalidate the verdict, and even if he had the power he would not be justified in granting that application.

One of the additional grounds for the motion made on Friday was that information had reached counsel of conversations between the jury and other parties. That was stated simply on information—on the say so of a third person not named. Information of that sort would be coming to counsel all the time, but no Court could act except upon

sworn statements.

Then, again, it had been suggested that the Court subject the jury to cross-examination. It had always been a question whether a voluntary affidavit on the part of a juror as to the conduct of another juror could be received. The general rule was that it could not. He had never yet heard of a practice of compelling a juror to testify as to misconduct in the jury box. He did not see anything in the paper that required inquisition into the conduct of the jury. There was nothing suspicious about their affidavits; but they bore every evidence of sincerity and truth.

Another ground alleged was discovery of new evidence; and the evidence in question was simply that of two individuals who it was said would testify that between the 15th and 28th of June the prisoner was seen by them in Lafay-

ette square, and that his conduct and actions were such as to excite their suspicions of his sanity. In this connection it was well to consider what evidence had already been introduced on the part of the defence in the same direction. They had introduced evidence touching the prisoner's conduct and actions covering the period from the first of March down to the day of the assassination. The evidence now proposed to be offered was exactly of the same character as that already introduced, and, therefore, was essentially cumulative evidence. There was another consideration, and that was whether such evidence if introduced would be likely to change the result. It seemed to him that this evidence was so light and inconclusive that there was no probability that it could have affected this case. It might be very well understood that the manner, restlessness and excitement of the prisoner on that occasion would engender a suspicion as to his sanity in the minds of persons who knew nothing about his circumstances; but when it was known that at that time he had resolved upon the commission of homicide and was awaiting his opportunity, all this restlessness would be quite compatible with his sanity. He, the Court, could not conceive that evidence of this kind could operate to bring about a different result. In addition to this it might be remarked that the affidavit now filed by Mr. Bragden on the part of the prosecution showed that the defence would be disappointed with his testimony and would lessen the weight of what might be said by the other witnesses.

It was further alleged that the defence might be able to prove that one of the expert witnesses had admitted since the trial that his opinion was different from that which he had given at the trial. It was a general rule that newly-discovered evidence, going to impeach a witness, was not a ground for a new trial under any circumstances, but least of all when it went to admissions of a witness after the conclusion of the trial. That would place it in the power of any witness to set aside a verdict founded upon his own testimony after the trial was over. No evidence of that kind

could be considered by the Court in regard to a new trial. He had considered all the matters which had been presented and was compelled to overrule the motion for a new trial.

The District Attorney—The duty is now imposed upon me to ask the Court to pass a sentence in accordance with

the verdict.

The Prisoner—I ask Your Honor to defer that as long

as you can.

The Court (to the prisoner)—Stand up. (The prisoner rose). Have you anything to say why sentence of death

should not be pronounced?

In a quiet voice the prisoner began his speech, but after he had delivered himself of two or three sentences his manner became more agitated. When he came to his prediction that the American nation would roll in blood, he raised his voice to its highest pitch and brought his elenched hand down with nervous force to emphasize his declaration. When he referred to the death of Christ he gave his voice that declamatory roll which throughout the trial had characterized his allusions to religious matters.

His response to Judge Cox's question was as follows:

I am not guilty of the charge set forth in the indictment. It was God's act, not mine, and God will take care of it. He will take care of it, and don't let the American people forget it. He will take care of it, and every officer of this government from the Executive down to that marshal, taking in every man on the jury and every member of this Bench, will pay for it; and the American nation will roll in blood if my body goes into the ground and I am hung. The Jews put the despised Galilean into the grave. For the time they triumphed, but at the destruction of Jerusalem, forty years afterward, the Almighty got even with them. I am not afraid of death. I am here as God's man. Kill me to-morrow, if you want. I am God's man, and I have been from the start.

Judge Cox then proceeded to pass sentence, addressing the prisoner as follows:

You have been convicted of a crime so terrible in its

circumstances and so far-reaching in its results that it has drawn upon you the horror of the whole world and the ex-

ecrations of your countrymen.

The excitement produced by such an offence made it no easy task to secure for you a fair and impartial trial, but you have had the power of the United States Treasury and of the Government in your service to protect your person from violence, and to procure evidence from all parts of the country. You have had as fair and impartial a jury as ever assembled in a court of justice. You have been defended by counsel with a zeal and devotion that merits the highest encomium, and I certainly have done my best to secure a fair presentation of your defence. Notwithstanding all this you have been found guilty. It would have been a comfort to many people if the verdict of the jury had established the fact that your act was that of an irresponsible It would have left the people the satisfying belief that the crime of political assassination was something entirely foreign to the institutions and civilization of our country, but the result has denied them that comfort. The country will accept it as a fact that that crime can be committed, and the Court will have to deal with it with the highest penalty known to the criminal code to serve as an example to others. Your career has been so extraordinary that people might well at times have doubted your sanity. But one cannot but believe that when the crime was committed you thoroughly understood the nature of the crime and its consequences-(Guiteau-I was acting as God's man)—and that you had moral sense and conscience enough to recognize the moral iniquity of such an act. (Prisoner-That's a matter of opinion.) Your own testimony shows that you recoiled with horror from the idea. You say that you prayed against it. You say that you thought it might be prevented. This shows that your conscience warned you against it, but by the wretched sophistry of your own mind you worked yourself up against the protest of your own conscience. What motive could have induced you to this act must be a matter of conjecture. Probably men will

think that some fanaticism or a morbid desire for self-exaltation was the real inspiration of the act. Your own testimony seems to controvert the theories of your counsel. They have maintained and thought honestly, I believe, that you were driven against your will by an insane impulse to commit the act, but your testimony showed that you deliberately resolved to do it, and that a deliberate and misguided will was the sole impulse. This may seem insanity to some persons, but the law looks upon it as a wilful crime. You will have due opportunity of having any errors I may have committed during the course of the trial passed upon by the Court in bane, but meanwhile it is necessary for me to pronounce the sentence of the law—that you be taken hence to the common jail of the District, from whence you came, and there be kept in confinement, and on Friday, the 30th day of June, 1882, you be taken to the place prepared for the execution, within the walls of said jail, and there, between the hours of twelve and two P. M., you be hanged by the neck until you are dead, and may the Lord have mercy on your soul.

As the last solemn words fell from the Judge's lips the prisoner echoed them, but in a far different tone of voice, for it was in a voice of passionate hatred that he cried out: "And may God have mercy on your soul. I had rather stand where I am than where the jury does, or than where Your Honor does. I am not afraid to die. Confound you—(he cried, violently struggling with the deputy marshals, who were endeavoring to repress him)—I am here as God's man, and don't you forget it. God Almighty will curse every man who has had anything to do with this act. Nothing but good has come of General Garfield's removal, and that will be posterity's view of it. Everybody is happy here except a few cranks. Nothing but good has come to this nation from his removal. That is the reason

the Lord wanted him removed.

Mr. Scoville took an exception to the judgment and sentence of the Court, and while this was being noted the prisoner sat tapping nervously with the tips of his fingers

upon the table. Then he broke out again wildly: "I'd rather a thousand times be in my position than be with those devils who have hounded me to death. I will have a flight to glory, and I am not afraid to go. But Corkhill and the others are. There is no let up on Corkhill, the scoundrel. He has a permanent job down below. I will go to glory whenever the Lord wants me to go, but I will probably stay down here a good many years and get into the White House. I know how I stand on this business and so does the Lord, and he will pull me through with the help of two or three good lawyers, and all the devils in hell can't hurt me."

The Court then, at a quarter to twelve, adjourned. The prisoner for some moments continued to shower his anathemas upon the Court and counsel for the prosecution. In order to silence him Deputy Marshal Williams clapped his hands over the prisoner's mouth, an action which the latter would have quickly resented with a blow had not the police officers grabbed his hands and clasped the handcuffs upon his wrists. Then, turning to his brother, the prisoner spoke a few words to him without any trace of nervousness or agitation in his manner, and was soon afterward led to the van and returned to jail.

When Guiteau reached the jail he was taken at once to his cell and a guard was placed over him. This precaution is always observed in the case of prisoners under sentence of death, and will be rigidly adhered to in Guiteau's case,

both by night and day.

There is not the slightest doubt about Guiteau being executed on June 30th. Appealing to the Court in banc for a new trial will not amount to anything, and the argument before that Court will not be of any interest to the general public. Everything of interest will be found in this History of the Life and Trial of Guiteau.

EXPIATION.

Garfield's murderer hanged—Cynical, revengeful, egotistical to the end— He talks nonsense on the gallows, and denounces his enemies in his dying prayer—Autopsy—Pronounced sane.

THE last act of the tragedy is over. On Friday, the 30th day of June, shortly after noon, Charles Jules Guiteau expiated his foul crime on the gallows. He died without a struggle: his neck having been broken. He walked to the gallows without making the violent scene which many had anticipated. Rev. Dr. Hicks, his spiritual adviser, offered a short prayer, whereupon Guiteau read a selection from the Bible, and then a prayer, in which he called down his blood upon the nation, and upon President Arthur,

whom he denounced as a coward and an ingrate.

The early hours of the morning of the day of execution wore slowly away. Guiteau slept, and nothing broke the monotony of the picture except the occasional relief of the guard and the pacing of the sentinel. Everybody was tired out, but it was a sleepless vigil for some of us who had determined to honor the occasion with continuous and unceasing recognition of the Guiteau trickery. The condemned man opened his eyes on his last morning at five o'clock, turned over, stretched himself, said he had had a good night's sleep, and would like a bath before breakfast. A large tub filled with water was taken to his cell, and he splashed and squirmed in it, like a lobster in a pot, with evident relish. Then he jumped up, rubbed his skin till, it shone, dressed with characteristic care and neatness, and nounced that he was "God's man," as usual, and requested

the immediate presence of some broiled beefsteak, potatoes, omelette, eggs, coffee, and bread and butter. He ate a ploughman's breakfast, and told the keeper that he should want a hearty dinner to be served at eleven o'clock sharp. All this time he was as cool as a cucumber, and as collected as taxes. He did not joke and laugh, for such has never been his custom, but he appeared to be cheerful and happy. He asked once or twice to see Dr. Hicks, and wanted to know if any more flowers had come from Frances.

At eight o'clock Dr. Hicks turned up with his journal under his arm, a straw hat on his head, and a neat suit of light clothing. He went at once to the cell of his charge, where, after a really cheery greeting, they had a brief service. Guiteau then told Dr. Hicks to go out to the scaffold and see that it was all right, and then ask the warden to let the trap spring as soon after twelve o'clock as pos-

sible.

He read a poem which he styles "Religious Baby Talk," and which he subsequently read on the scaffold, and undertook to sing it, but he broke down, saying, "It's no

use; I am no inusician." Then he said:

"My heart is tender, and I don't think I can go through the ordeal without some emotion. I presume that I will weep. This, however, shows no weakness on the great question that I was inspired, but when a man is getting near the heavenly world it is natural that one should have feeling, as the heavenly influence is pervading him," and further remarked that he was "satisfied that God inspired him to do the act for which he was to suffer."

As to his book he asked that complimentary remarks in reference to the administration be eliminated. He then disposed of his books, giving them to Dr. Hicks, and went over his letters, destroying the useless ones, and giving Dr.

Hicks directions as to getting them to his family.

He then discussed with Dr. Hicks the programme for the execution, stating that he wished the Doctor to offer prayer, and he would read his favorite chapter, the tenth chapter of St. John, and follow with a prayer, and then read his poem, "Simplicity; or, Religious Baby Talk," and he wished the trap sprung just as he concluded.

By this time a great many people had arrived. Those who had remained all night fought with the flies for breakfast, and braced up on beef tea and other stimulants. Among others came General Crocker, the warden; United States Marshal Henry, and Commissioner Dudley, of Indiana. There also came John W. Guiteau, the brother.

Just then all hands went into the corridor to try the apparatus for the last time. A bag of sand weighing 160 pounds was rigged and attached to the noose. The trap was sprung by means of the trigger rope, which was passed into one of the cells of the north wing. The rope on the scaffold stood the test well, and brother John ascended the steps and carefully examined the structure, handling the rope and inspecting all the fixtures, both above and below the platform. His fraternal interest and infernal curiosity were satisfied, but it was a strange picture. The heavyjawed hangman grimly smiled as he pulled the well-soaped rope through his warty hands, and when the heavy bag went cachunk through the trap to the perfect satisfaction of John and all the others, he nonchalantly ejected about a gill of tobacco juice, a few drops of which spattered the "bone-box" which the warden had thoughtfully procured for Guiteau's remains.

At ten o'clock the scene outside the jail was bright and brisk. At least a hundred carriages, buggies, carryalls, and wagons were grouped about the field. Companies of men, women, and children stood upon the hills. Lemonade, peaches, bananas, and cigars were cried and sold. Darkydom, in all its glory, flaunted the colors of the rainbow, and in all its squalor begged for coppers. Hundreds of idle men stood gaping at the red stone building. Everybody was eager for gossip. Every ear was strained for rumors.

Up drove a carriage, and out got Mrs. Scoville. The guard declined to admit her. What should be done? Word was sent to the warden, and in turn went to John

Guiteau. The warden declined to admit her at all unless Guiteau asked for her presence, and even then he would have barred her going beyond the door of the corridor. The assassin was thinking of something else: he was arranging the final tableau, and finishing the elocutionary effort he was soon to make, so he returned word that he had nothing to say about it, and would be perfectly con-

tented whether his sister came in or stayed out.

After a short conference Warden Crocker went outside the jail to see Mrs. Scoville. He found her in a state of great excitement, bordering upon hysteria. But after a short time he succeeded in calming her, and dissuading her from any further attempt to gain admission. She acknowledged the propriety of such a course, but added that she could not possibly remain in the city during all the wretched hours of the morning. She brought with her the flowers which Guiteau had asked for, and they were taken in to him. Mrs. Scoville also brought two handsome flower pieces—a cross and an anchor—to be placed upon her brother's coffin with her own hands.

The crowd of spectators outside, where nothing but the

jail could be seen, increased and multiplied.

At eleven sharp Guiteau called for his dinner. He was to die shortly after twelve, but he was hungry and asked the keeper to hurry up dinner. His menu consisted of a pound of broiled steak, a dish of fried potatoes, four slices of toast, and a quart of coffee, of which very little was left when he finished eating. There were no woodcock in the market or he would have had two on toast. At this time the great rotunda was well filled with smoking journalists, puffing doctors, generals, colonels, ordinary men and soldiers, all smoking away and talking so loud that the hum of conversation reached the quick ear of the assassin as he put the last fine touches on: "I'm going to the Lord, and don't you forget it."

It is but fair to Guiteau to record that up to that time

he was as calm as a summer morning.

The hours were going fast, and the heavy fall of the

"parade rest" muskets on the stone floor of the rotunda notified the crowd and Guiteau as well that the final scenes were begun. The outer door was closed, and orders given that no more persons should be admitted. The guard were formed in line, fresh cigars were lighted, John Guiteau got near the gate, so as to scenre a good place when the rush came, and the warden went with Dr. Hicks to the condemned cell.

"Stand up, Guiteau!"

He obeyed instantly, while General Crocker read the death-warrant, after which he was left alone with Dr. Hicks.

They prayed for some time, but Guiteau's nerves had got the better of him, and he broke completely down in a fit of pure hysteria. He had braced up well until then, and the brace was normal. He drank no whiskey, smoked no tobacco, but utilized his unimpaired physical forces admirably. As a matter of fact he wept very freely, and trembled like a girl; but, considering the strain he has endured since the 2d of July last, and the scene he was approaching, I think he bore up wonderfully and quite as manfully as some of the inconsiderate brutes who puffed their nasty tobacco smoke in his face, when, shortly after this, he walked fearlessly to the scaffold.

Some little time elapsed before Dr. Hicks thought his man was entirely recovered. Rumors of trouble flitted about the jail. The prisoners were restless, and paced their cells like panthers in a cage. Facile pencils wrote the story; quick fingers manipulated the electric keys; sentinels paced slowly up and down; the crowd became dense and hot near the fatal corridor. Suddenly the shrill scream of a neighboring steam whistle told Guiteau that twelve o'clock had come. In reality it was nearly half-past twelve, and the signal had been purposely delayed. The warden and his assistants entered the cell.

"Are you ready?"

"I am."

Guiteau was dressed in a suit of navy blue. He wore

no collar, but threw a white silk handkerchief about his neck, and his very small feet were neatly clad in nicelyfitting well-polished shoes. His hair was cut short, his face nicely shaved, and his minute mustache was quite becoming. They pinioned his arms behind him, and he held one hand in the other. The soldiers were drawn up in line, and 250 spectators faced them. Between these lines the procession passed to the iron steps, leading down to the corridor, and along its stony passage to the scaffold at the end. General Crocker, at the head of the party, was pale and anxious. Dr. Hicks carried books and papers in his hand, and appeared as cheerful as a grig. The attendants, two of whom were prepared to catch hold of Guiteau if he faltered or misbehaved, were coarse-looking fellows and rather gloried in their work. Guiteau was very pale, and his lips twitched now and then, but his step was firm and his bearing modest.

The march was a quick step and soon brought them to the foot of the long flight of steps leading to the platform of the scaffold. Up they went, and the noose dangled over

the prisoner's head.

Upon reaching the platform Guiteau was placed immediately behind the drop, facing to the front of the scaffold. Captain Coleman stood upon his right, Mr. Robert Strong upon his left, and Mr. Woodward directly behind him. Mr. Jones took position on the north side, near the upright of the beam. General Crocker (the warden) took his position at the southeast corner of the structure.

Arrived at the scaffold, Guiteau, with his hands clasped behind him, looked at the noose, eyed the trap, scanned the crowd, and braced himself. Dr. Hicks opened his book and cleared his voice, and the sturdy hangman walked behind the prisoner and stoically looked at the ropes. At a signal from General Crocker Dr. Hicks made an invocation in these words:

"Father, out of the depths we cry to Thee. Hear Thou our supplication, for the sake of Jesus Christ our Saviour, who has made full propitiation for us. Beheld this Thy

servant. We humbly pray that Thou wilt deliver him at this supreme moment of his life. Let Thy light descend upon him. Liberate his soul from prison. May he appear before You absolved by Thy great mercy. From bloodguiltiness deliver him and us. God, have mercy on us. Christ, have mercy on us. Lamb of God, that taketh away the sins of the world, have mercy on us. Amen and amen."

Nobody seemed to be particularly affected as yet, and the reverend gentleman turned to Guiteau, holding before his eyes an open Bible. Guiteau was as cool as an iceberg. His eye was perfectly clear, and his voice rang along the corridor. Looking at the spectators he said, so that every one distinctly heard him, "I will read a selection from the tenth chapter of Matthew, from the twenty-eighth to the forty-first verses inclusive."

The intonation and rhetorical flourish with which Guiteau read this passage were an astonishing feature in this astonishing performance. His emphases were marked and

significant.

This ending, Dr. Hicks, who acted as a kind of master of ceremonies, unrolled a manuscript, which he held, as he had held the Bible, before Guiteau, who, with some little nervousness, said:

"I will now repeat my last, dving praver."

A few of the audience bowed their heads, but the picture was unique, and the majority looked at it. Guiteau was in his element. He had an audience that must hear all he had to say, and it really seemed as if it was an exhibition and nothing else. The sublime egotism of the man overshadowed everything. The calm manner in which he threw his crime upon the Deity was rather staggering, in view of the fact that in less than ten minutes he might be brought face to face with him. His voice again rang out with power and effect as he said:

"Father, now I go to Thee and the Saviour. I have finished the work Thou gavest me to do, and I am only too happy to go to Thee. The world does not appreciate my mission, but Thou knowest it. Thou knowest Thou didst inspire Garfield's removal, and only good has come from it. This is the best evidence that the inspiration came from Thee, and I have set it forth in my book that all men may read and know that Thou, Father, didst inspire the act for which I am now murdered. This government and nation by this act I know will incur Thy eternal enmity, as did the Jews by killing Thy man, my Saviour. The retribution in that case came quick and sharp, and I know Thy divine law of retribution will strike this nation and my murderers in the same way. The diabolical spirit of this nation, its government and its newspapers towards me will justify Thee in cursing them and I know that Thy divine law of retribution is inexorable.

"I therefore predict that this nation will go down in blood, and that my murderers, from the Executive to the hangman, will go to hell. Thy laws are inexorable, O Supreme Judge! Woe unto the man that violates Thy laws. Only weeping and gnashing of teeth awaits them. The American press has a large bill to settle with the righteous Father for their vindictiveness in this matter. Nothing but blood will satisfy them, and now my blood be

on them and the nation and its officials.

"Arthur, the President, is a coward and an ingrate. His ingratitude to the man that made him and saved his party and land from overthrow has no parallel in history, but Thou, righteous Father, will judge him. Father, thou knowest me, but the world hath not known me, and now I go to Thee and the Saviour without the slightest ill-will toward a human being. Farewell, ye men of earth."

Guiteau had written this invocation and he rehearsed it and indorsed it in the most emphatic manner possible, and now, in anticipation of immediate death, dared, in a cool, calm and collected manner, with rhetorical trick and elocutionary art, to fling it in the very face of the Judge to whose

tribunal he was hastening.

The sensation was extraordinary and the effect marked, but in comparison with what then followed it was trifling

and of no account. It is difficult to depict the manner and matter of the scene that followed. Guiteau looked at the crowd, which had gradually drawn a trifle nearer. Again Guiteau looked about him, and after a moment said:

"I am now going to read some verses which are intended to indicate my feelings at the moment of leaving this world. If set to music they may be rendered effective. The idea is that of a child babbling to its mamma and his papa. I wrote it this morning about ten o'clock."

Then in a baby voice filled with artificial tears (by which

I mean rhetorically effective tones) he began his poem:

I am going to the Lordy,
I am so glad;
I am going to the Lordy,
I am so glad;
I am going to the Lordy,
Glory, hallelujah! glory, hallelujah!
Going to the Lordy.

I love the Lordy with all my soul, Glory, hallelujah!
And that is the reason
I am going to the Lordy,
I am going to the Lordy.

Here Guiteau's voice failed and he bowed his head and broke into sobs. But he rallied a little and went on with his chant, though it was evident that hysteria, assumed or forced, would be the end of it:

I saved my party and my land, Glory, hallelujah! But they have murdered me for it; And that is the reason I am going to the Lordy.

Glory, hallelujah! glory, hallelujah! I am going to the Lerdy.

Here again his feelings overcame him and he leaned his head on the shoulders of Dr. Hicks and sobbed pitifully. It was indeed a pitiful scene. Presently Guiteau continued:

I wonder what I will do When I get to the Lordy; I guess that I will weep no more When I get to the Lordy. Glory, hallelujah!

Here there was another interruption caused by sobs and emotion, which he was unable to repress. He wept bitterly, and then with quivering lips and mournful tones he attempted to go on. He failed, and sobbed as if his heart would break. Great tears rolled down his cheeks, and the time seemed eternity. Dr. Hicks patted him on the shoulder, and then in almost inaudible tones and trembling lips he concluded his senseless babble as follows:

I wonder what I will see
When I get to the Lordy?
I expect to see most splendid things,
Beyond all earthly conception
When I am with the Lordy.
Glory, hallelujah!

Raising his voice to the highest pitch that he could command:

Glory, hallelujah! I am with the Lord.

With a sigh of relief then every one saw that the moment had arrived when somebody else would have something to do. The big hangman knelt behind Guiteau and began to tie his legs together. The two brothers faced each other, one with head raised and eyes shut praying, apparently for help. The other seemed to be in search of notoriety. They were brothers in lack of feeling if nothing else. After the hangman had finished the pinioning of Guiteau's legs Dr. Hicks handed the prisoner a piece of white paper which he held in his right hand, a hand that was as firm and steady as the stanchions of the scaffold.

Dr. Hicks turned his back to the crowd, and laying his hand on Guiteau's forehead gave his final benediction and

farewell, saying:

"God, the Father, be with thee, and give thee peace forever more."

After which the hangman adjusted the noose.

"Don't pull it too tight," said Guiteau. The black cap was pulled over his face, and, shouting in a loud, clear, and perfectly emotionless voice:

"Glory! Ready! Go!"

Guiteau flung the bit of paper vigorously to the right,

the bolt was drawn and the drop fell.

There was not slack enough to the rope, the noose of which slewed around to the back of Guiteau's neck, and the fall was hardly deep enough. For a moment the body swung to and fro, then rested and all was apparently over. Muscular tremors ran through the frame, the chest heaved quickly, spasmodic jerks brought the knees far up and a sickening sight of convulsions succeeding convulsions greeted the undisturbed gaze of John Guiteau. The noise of the fall was heard by some of the prisoners in the Instantly they raised a mighty shout, which was taken up by the multitude outside, where, for a few moments, great excitement existed. After the doctors had felt of the pulse, the heart, the legs and the back, the body was lowered until the feet nearly touched the ground. It was there kept perhaps half an hour, during which time the sturdy hangman watched it from the platform through the trap hole.

When it was lowered into the coffin General Crocker remounted the scaffold and announced that all who cared "to view the remains" could do so. The cap was withdrawn and the features were precisely as they had been in life. The crowd slowly moved around and looked at the face which but half an hour before was calm in prayer, distorted with vengeful passion, utterly bathed in tears and full of varied expression. It was a suggestive picture, as was that of John as he stood fanning the flies from the

features of his dead.

In conformity with directions the coffin was then taken to the chapel, where the autopsy was to be held an hour later. Then John Guiteau followed the coffined remains of his brother up the stairway to the chapel. He was asked to go away as it was not desirable to have him at the autopsy. He at once came out of the room and, seating himself near the door of the prison cell, remained there

until the autopsy had been made.

Naturally there was a great desire to know the result of the autopsy, and there was a great rush of the free and independent press to obtain it. The reporters found no difficulty whatever in going in or coming out. As already stated there had been an attempt to get possession of Guiteau's body for the Medical-Legal Society, of New York city. This, however, failed, and then it was learned that Guiteau had willed, or was about to will, his body to Rev. Dr. Hicks. This having been done, Dr. Beard, of New York, telegraphed to about twenty physicians to be present at the autopsy. Among the number thus invited were only two of the superintendents, Drs. McDonald and Stearns, who as experts had testified in the case for the government, and but three who had appeared for the defence. The rest were members of the Medical-Legal Society of New York, including Mr. C. Bell, of that city.

Dr. McDonald being asked on Friday evening as to the

result of the examination so far, he said:

"It has been agreed among the physicians that no detailed statement of the examination should be furnished the press or the public until we had prepared our report. The microscopic examination is yet to be made. But speaking for myself personally the results so far have been to confirm my conviction that Guiteau was sane and responsible, if indeed any information were necessary. The skull was found to present no such abnormalties as had been claimed by some parties. The substance of the brain presented no evidence of disease. I think this is as much as I am at liberty to state."

The body was cut down at sixteen minutes past one and put in the coffin. It was removed to the chapel, and, being placed on a table, Dr. Loring made an ophthalmic examination. Both pupils were found slightly dilated, the right eye being slightly congested. The interior of the eye was so turbid that no details could be made out. An hour after the close of the autopsy the pupils remained about the same, but there appeared something like transverse fracture of both lenses. These symptoms are of common occurrence after a person has been hanged. They are not indicative at all of sanity or insanity, being merely the natural effect produced by hanging.

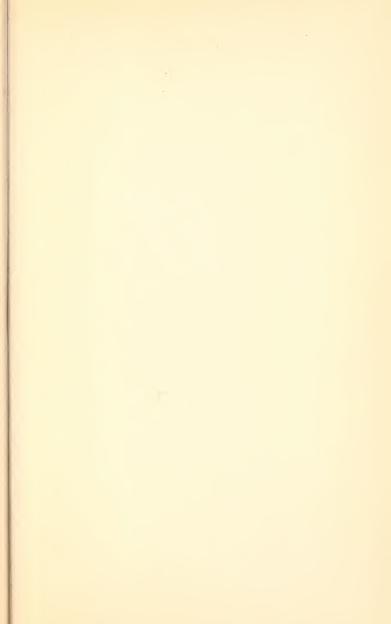
The body, or rather the remains of Guiteau, whose name, by the way, was Charles Julius Guiteau, rested in the coffin of General Crocker, in the chapel, that night. On Saturday, with brief but appropriate service, the body was

buried in the jail itself, and that ends the story.

Thus was enacted on Friday, the 30th day of June, 1882, the final chapter of the great national tragedy which began at Washington on the morning of July 2d, 1881.

The execution of President Garfield's murderer will be an agreeable disappointment to a great many good people. A conviction that by some hook or crook theory the assassin would eventually escape hanging early settled on the minds of a large number of individuals. Every legal difficulty that was raised, every suggestion of insanity that was offered, every application that was made to the courts or the Executive in his behalf, only confirmed their belief that he would escape and intensified their deep-seated wrath. There was never, however, the smallest chance of his going unhanged, unless his insanity had been proved so clearly that no reasonable man could question it. To one who read the signs of the times aright, Guiteau's doom was foreshadowed from the beginning. The climate of America is necessarily fatal to those who have a penchant for shooting Presidents. It is safer to assassinate a Czar or a Kaiser than the President of the United States.











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